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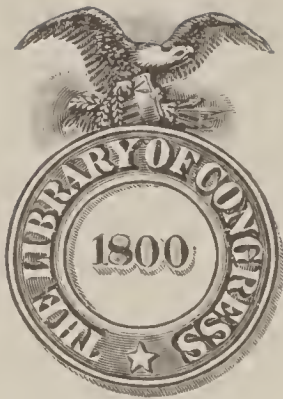
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History  
and  
Civil Government  
OF  
Georgia

McPHERSON

MAP OF  
GEORGIA

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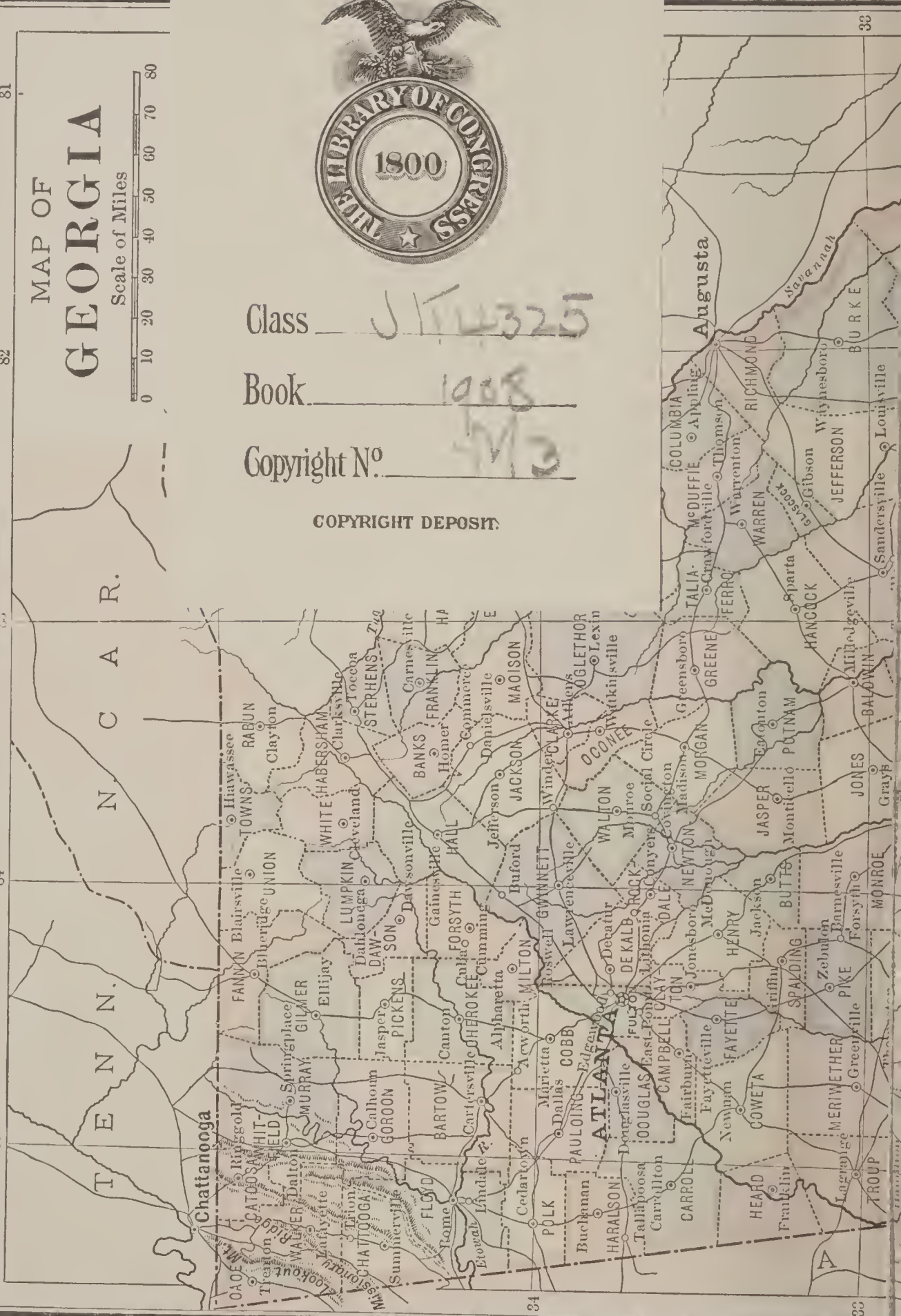


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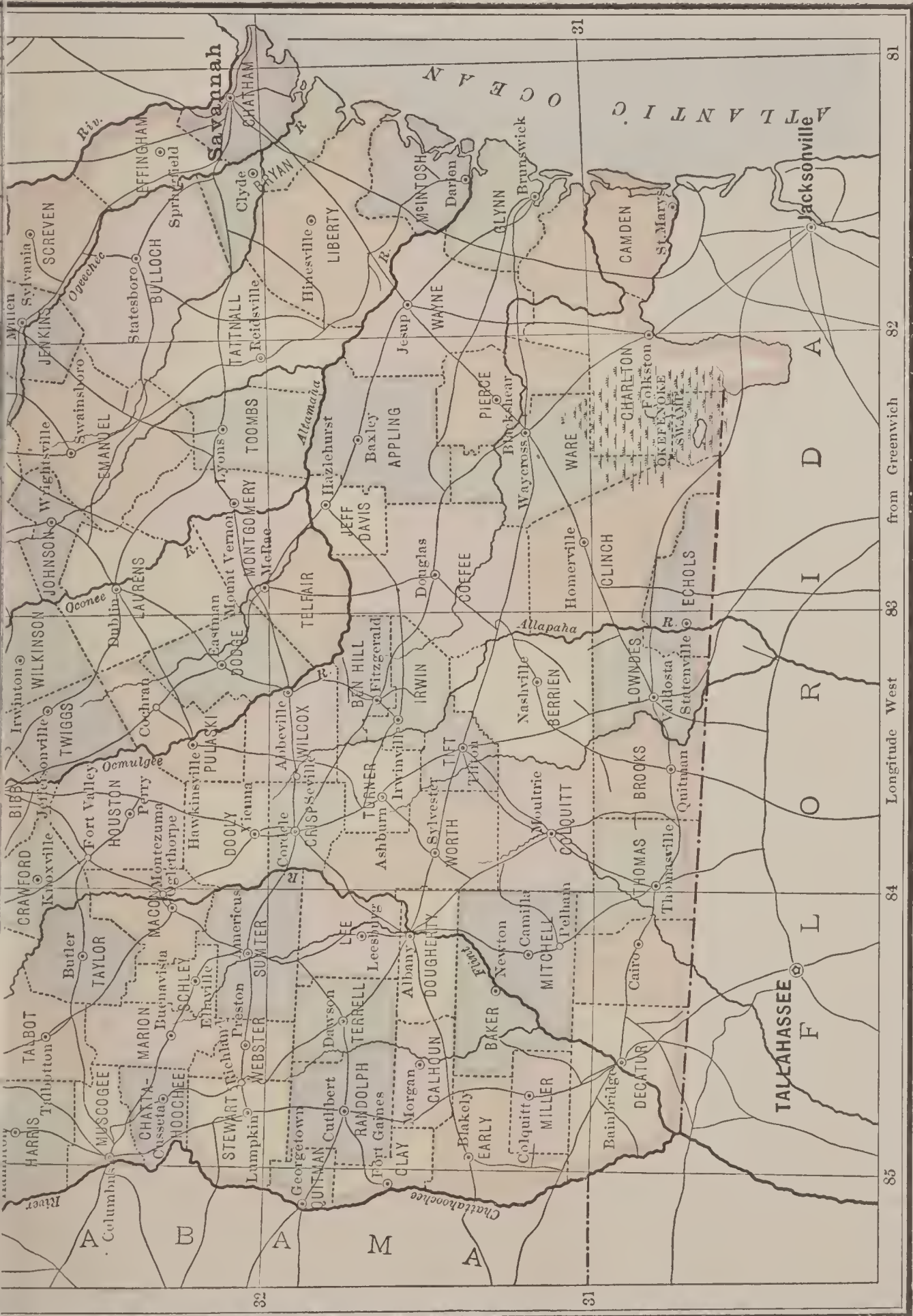
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THE  
GOVERNMENT OF THE PEOPLE  
OF THE STATE OF  
GEORGIA

BY  
JOHN H. T. McPHERSON, PH. D.  
PROFESSOR OF HISTORY AND POLITICAL SCIENCE IN THE UNIVERSITY  
OF GEORGIA

*REVISED EDITION*



NEW YORK AND PHILADELPHIA  
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## PREFACE

THE training of useful and intelligent citizens is the first object of public education. As a part of this training it is most desirable that the study of Civics be made a branch of the curriculum of our schools. The pupil should especially be lead to observe and understand the forms of local government surrounding him, and the institutions of his State, and should be early impressed with a knowledge of the duties and responsibilities of citizenship.

To aid the teacher in attaining these objects the text now offered has been prepared. A comparatively full historical chapter will serve as an introduction to the history of Georgia. The details of central and local government are then clearly unfolded. Elections and party organization, our system of public education, and the general features of the State's finances are explained in the concluding chapters. The State Constitution is given at length, that the pupil may become familiar with it by frequent direct reference. An appendix adds statistical information which may prove of interest.

The author will welcome any suggestions from teachers or others that may enable him to improve the book or to extend its usefulness.

J. H. T. McPHERSON.

UNIVERSITY OF GEORGIA,  
*Athens, Ga.*

## PREFACE TO THE REVISED EDITION

In the present edition the text has been thoroughly revised to date, and in many parts rewritten. Various suggestions from teachers who have used the book in classroom instruction have been adopted. The Constitution has been carefully worked over, and all amendments since the Code of 1895 incorporated, with statutory changes noted. A modern map of Georgia, with the new counties, and a map showing the Congressional Districts, have been added. It is believed that in its present form the book contains a wealth of accurate information that should make it a valuable manual for the citizen as well as a thorough text-book for the schools.

The author wishes to acknowledge his obligation to Professor R. P. Brooks of the chair of Georgia History and Sociology in the University of Georgia, for valuable assistance in preparing this revision.

J. H. T. McPHERSON.

UNIVERSITY OF GEORGIA,  
*January, 1908.*



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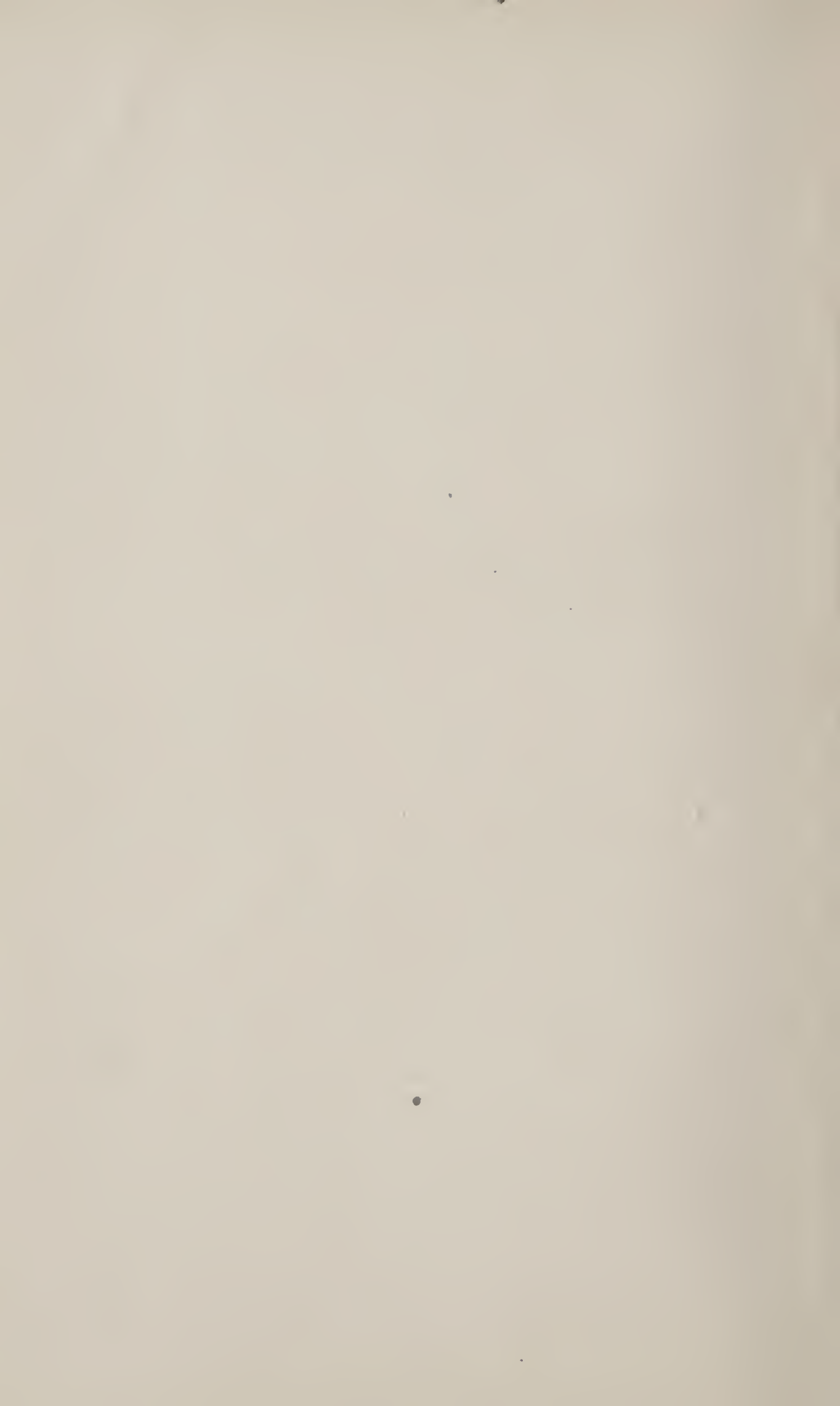
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JAMES EDWARD OGLETHORPE.

# GEORGIA

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## PART I

### CHAPTER I

#### THE CIVIC HISTORY OF GEORGIA

1. GEORGIA occupies the southernmost reaches of the Appalachian slope. The great chain of mountains loses itself in the northwestern portion of the State, whence the land slopes gently down to the Atlantic ocean and Gulf of Mexico. The extreme length of the State is about three hundred and twenty miles; its extreme breadth is two hundred and fifty-four miles. This great extent of terri-

tory—59,415 square miles—exceeding the combined area of New York, Massachusetts and Rhode Island, gives promise of an immense development of wealth and resource. The soil is extremely fertile; the rainfall abundant; the climate and elevation so varied that all crops, from wheat, corn, oats and rye to cotton, rice and sugarcane, can be produced in abundance. Fruits flourish in all parts of the State. The cultivation of the peach and the grape for export is assuming large proportions. Numerous rivers, some of which are navigable for hundreds of miles, afford means of transport and enormous water-power. Granite and marble quarries abound, and rich mineral wealth, hitherto almost untouched, awaits development in the hills and mountains of the north.

Magnificent as is this natural endowment, it is only beginning to be utilized. The organization of society before the war was based solely upon agriculture; its peculiar character and institutions discouraged immigration, and the sparse population left the bulk of the land uncultivated. The terrible reverses of the Civil War were followed by a period of recuperation from which the people have scarcely emerged. With all the progress made of late, the white population to-day is less than a million and a quarter, and only a fifth of the land is under cultivation. The last few years seem to mark the beginning of a period of new and active material development. The Commonwealth, recovered from the shackles and misfortunes of the past, has awakened to the consciousness of its power and its destiny. Population is advancing with rapid strides; a tide of immigration has set in from the northern and western States; domestic capital is rapidly increasing; foreign invested capital has more than doubled within five years; cotton mills and manufactories of various kinds are springing up on every side; a rapidly advancing system of pub-



lic education is banishing illiteracy and ignorance; every sign of the times warrants the belief that Georgia is soon to enter upon the full enjoyment of her rich inheritance, and take her place among the most powerful and opulent States of the Union.

We are to trace briefly the main points in the history of this great Commonwealth, before considering the institutions upon whose faithful and patriotic administration her prosperity must depend.

**2. Pre-Colonial Period.**—The aboriginal inhabitants of Georgia belonged to the lax confederacies of the Cherokee and Creek Indians, with the Seminoles on the southern border. They were of milder character and more advanced social development than the savage Indians of the North. The companions of Jean Ribaut, the Huguenot explorer, were delighted with their reception by the natives, and describe them as “of a goodly stature, mightie, and as well shapen and proportioned of body as any people in ye world; very gentle, courteous, and of a good nature.”

De Soto and his Spanish adventurers in 1539 were probably the first Europeans to traverse the region. Ribaut in 1562 made a longer stay. He named the whole country Carolina after the boy-king Charles IX. of France, and founded a short-lived settlement at Port Royal. Laudonnière in 1564 visited Ribaut’s deserted fort, and passing southward planted a colony on the St. John’s river. The Spaniards under Melendez, however, destroyed this in 1565, and established St. Augustine, long the stronghold of Spanish power in Florida.

Thus no permanent settlement was made in the territory afterward known as Georgia. The English claimed it under the discovery of Cabot, and in 1630 it was granted by Charles I. to Sir Robert Heath. Nothing came of this,

and Charles II. made two grants of the same territory to the Lords Proprietors of Carolina, who later, in 1717, transferred the lands lying between the Savannah and Altamaha rivers to Sir Robert Montgomery. His most strenuous efforts failed to induce immigration, and his grant expired in three years. The territory was finally surrendered to the Crown by all the Lords Proprietors but one, Lord Carteret, who in 1732 conveyed his eighth interest to the "Trustees for Establishing the Colony of Georgia in America."

**3. Oglethorpe.**—The conception and successful execution of the idea which led to the foundation of Georgia is to be credited almost solely to James Edward Oglethorpe. He was a remarkable man with a remarkable career. "A more extraordinary person," Burke said of him, "than any I have ever read of." Dr. Samuel Johnson, a friend of his old age, declared that he knew of no one whose life would be more interesting. John Wesley "blessed God that ever he was born." Hannah More describes him in his ninety-fifth year as "the most remarkable man of his time \* \* \* the finest figure you ever saw. His literature is great, his knowledge of the world extensive, and his faculties as bright as ever. He is quite a chevalier—heroic, romantic, and full of old gallantry."

Oglethorpe was born of an ancient and distinguished family in 1689,<sup>1</sup> that critical year in which English liberty and Parliamentary supremacy were finally established. His father, Sir Theophilus Oglethorpe, was a prominent general of James II. On leaving Oxford University he became an ensign in the army, and in 1713 aid-de-camp of the Earl of Peterborough, in Italy. After further promotion he became, through the influence of Argyle and

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<sup>1</sup> There is some doubt as to the year of his birth.

Marlborough, aid-de-camp of Prince Eugene of Savoy, the central military figure of the age. In this brilliant school he learned the art of war, serving through many campaigns and in numerous battles, including the famous siege and capture of Belgrade. On the conclusion of peace he returned to England with wide renown for courage and military prowess. His father and two elder brothers having died, he was elected to Parliament in 1722 from the borough of Hazlemere, which they had long represented. For thirty-two years he held this seat, acquiring renewed reputation for humanity, philanthropy, and that "strong benevolence of soul" which Pope has immortalized.

Of his many benevolent enterprises none were fraught with results so important and far-reaching as his efforts in behalf of the victims of the English law of debt. At that time the severity of the criminal law was extreme. Over two hundred offences were punishable by death. Inconceivable hardship and injustice resulted from the power given the creditor to imprison his debtor until the debt should be paid. Special debtors' prisons were over-crowded with the often honest victims of cruelty, malice and intrigue. The prisoners were left to their own resources for food and clothing. Many literally starved to death. Iron cages opening upon the street were provided, from which the starving and wretched inmates might appeal to the charity of passers-by.

A friend of Oglethorpe upon whom this lot had fallen, enlisted his sympathies in behalf of the sufferers. He succeeded in arousing public sentiment and secured the appointment of a Parliamentary commission, with himself as chairman, which resulted in the remedy of the worst abuses of the system, and the release of multitudes from captivity. To enable these to start life afresh in a new career, he determined to establish a colony for their



benefit in the New World. Associating with himself a number of influential and benevolent men he succeeded in obtaining from King George II. a charter, granting the lands lying between the Savannah and Altamaha rivers, and extending westward from their sources to the South Sea.

**4. The Charter** was approved June 9, 1732. A body of twenty-one Trustees was given ample power for the control and administration of the proposed colony, to be called Georgia in honor of the king. The project was purely disinterested, benevolent and patriotic. The Trustees were explicitly debarred from holding any office of profit, or receiving any salary or fees, or acquiring lands in the province. No other colony, as Robert Southey justly declared, was ever projected on principles so honorable to its founders. A secondary motive expressed in the charter was the interposition of a barrier between the other colonies and the hostile Spaniards in Florida. After a period of twenty-one years the government of the colony was to revert to the Crown. Religious liberty was guaranteed to all except Roman Catholics, and the rights and privileges of English law were to be extended to the colonists.

In July the Trustees held their first meeting and accepted the charter. Steps were taken to arouse interest and obtain subscriptions. The Trustees themselves made liberal donations, and their efforts met with a generous response. Parliament contributed sums which aggregated a large amount, and private benefactions flowed in from all sides. Among the regulations drawn up for the government of the colonists were a prohibition of the ownership and use of negro slaves, and a law forbidding the introduction of spirituous liquors. Provision was made for the cultivation of the mulberry tree and silkworms, as it

was hoped that the production of raw silk could be made an important industry.

**5. Emigrants** were carefully selected from the most worthy and promising applicants. The "Anne," a galley of two hundred tons burden, under command of Captain John Thomas, was chartered; and on November 17, 1732, the little band, about one hundred and thirty persons in all, set sail from Gravesend. Thirty-five families were represented. Carpenters, mechanics, bricklayers and farmers were among the number. Oglethorpe himself had volunteered to take charge of the expedition, bearing his own expenses, and drawing liberally on his private means in aid of the colonists.

After a long voyage the adventurers reached Charleston, January 13, 1733. They were warmly welcomed by Governor Johnson and the Carolinians, and given temporary quarters at Beaufort, while Oglethorpe, accompanied by Colonel William Bull of Charleston, set out to select a site for the colony. After careful search the choice of the explorers fell upon the Yamacraw Bluff, on the right bank of the Savannah river. An agreement was made with the Indians occupying the bluff, whose chief, Tomochichi, was brought to look favorably upon the settlers through the friendly offices of Mary Musgrove, the half-breed wife of a Carolina trader dwelling in the tribe. The colonists left Beaufort in a small sloop and several plantation boats, reaching their destination on Thursday, February 12, 1733. Generous aid was given by the Carolinians, whose Assembly voted over £10,000 in currency, while numerous contributions came in from private sources. The streets and squares of the new settlement were marked out by Oglethorpe and Colonel Bull. The emigrants were soon actively at work erecting store-houses and dwellings, and

preparing the soil for crops. The infant State entered hopefully upon its career.

6. The wisdom and energy of the founder were soon displayed in various directions. A conference of all the leading Indian chiefs was called through the influence of Tomochichi. Oglethorpe succeeded in winning their favor and friendship, and secured an important treaty ceding the lands lying between the Savannah and Altamaha as far inland as the head of tide-water. Danger from the Indians was thus early averted. Explorations were made, and forts and outlying settlements posted as a precaution against Spanish attack.

7. **The Salzburgers.**—Another class of unfortunates soon found refuge within the sheltering arms of the colony. The protestant dwellers of Salzburg, whose ancestors had been driven by persecution from Savoy before the Reformation, found themselves in 1729 exposed to renewed attack. Leopold, Archbishop of Salzburg, in determined efforts to force them within the pale of the Roman church, drove thousands forth as homeless wanderers. The Trustees offered them a refuge in Georgia. In March, 1734, the "Purisburg," with forty-two families who had accepted the invitation, arrived at Savannah. Some thirty miles up the valley they established a new settlement which they called Ebenezer—"the stone of help." Later accessions increased the number of the Salzburgers, whose intelligence and industry contributed much to the upbuilding of the colony.

8. **The Highlanders.**—In 1734 Oglethorpe visited England, taking with him Tomochichi and other prominent chiefs. His efforts gave a new impulse to emigration, and bands of Swiss, Moravians from Germany, and picked emigrants from England were sent over. To increase the military strength of the colony against the Spaniards,



Parliament made a new grant of £26,000, which enabled the Trustees to recruit a regiment of one hundred and ten sturdy Highlanders from the region of Inverness. These, accompanied by fifty women and children, reached the colony in 1735. They settled at the mouth of the Altamaha, calling the district "Darien," and the town which they built "New Inverness." This proved a most valuable accession. The community formed an effective bulwark against the Spaniards, and in the conflicts which followed, the brave Highlanders rendered valiant service. The vigorous, thrifty character of the settlers made their community one of the most progressive and prosperous in the colony. Their descendants constitute a valuable element in the population of the State.

9. In October, 1735, Oglethorpe returned to Georgia with some two hundred and twenty-five picked emigrants, and accompanied by John and Charles Wesley. He lost no time in putting the colony in a state of defence. A fort was established on the Savannah, two hundred and thirty-one miles from its mouth, and called Augusta, in honor of one of the royal princesses. It soon became a thriving trading-post. The coast and islands to the south were carefully explored by Oglethorpe in person, and a strong fortification established at Frederica on St. Simon's Island.

Rumors of a Spanish attack now became so ominous that Oglethorpe hastened to England for aid, soon returning at the head of a regiment and bearing the commission of Commander-in-chief of all His Majesty's forces in Carolina and Georgia. George Whitefield, whose eloquence later had profound effect throughout the American colonies, accompanied him, succeeding John Wesley as missionary to the Indians.

10. War between England and Spain at last broke out



in 1739. To anticipate an attack Oglethorpe took the offensive and with Indian allies and all the troops at his command laid siege to St. Augustine. It was found impossible for the fleet to co-operate; reinforcements from Havana reached the town; sickness broke out in the camp; and in spite of the most gallant and daring conduct the siege had at last to be abandoned.

In 1742 the Spaniards returned the compliment by a concerted attack on Frederica. A heavy assault by land and sea was made. The bravery and strategy of Oglethorpe held out against vastly superior numbers, until the arrival of an English fleet drove off the enemy. The colony had nothing more to suffer from Spanish invasion. In 1763 England acquired Florida by treaty. The fortifications on St. Simon's were then neglected, and soon fell into decay.

11. In 1743 Oglethorpe went to England to answer various complaints and charges made by discontented settlers and officers. He was, of course, more than vindicated. The outbreak of the Stuart rebellion called for his services as major-general in the royal army. His marriage occurred soon after, and he never returned to Georgia. In 1775 he was offered, but declined, the general command of the British forces in the American war. His illustrious and honored old age came to an end June 30, 1785.

12. After Oglethorpe's departure the Trustees appointed Colonel William Stephens president of the colony. He was aided in the administration by four assistants. The condition of the province, as a whole, was far from flourishing. Discontent was rife, and complaints were openly and constantly brought against the policy of the Trustees. The government was entirely in their control, the colonists having no voice in the management of affairs. The exclusion of negro slaves was felt to put the settlers at a great

disadvantage in competition with the other colonies. The restricted tenure of land and the prohibition of spirituous liquors made further dissatisfaction; while the mistaken judgment of the Trustees in regard to the capabilities of climate and soil—their persistent attempts to force the cultivation of silk, hemp, flax and similar products, had resulted in great waste of labor and resources. Many persons were obliged to rely on the stores of the Trust for food and clothing. A formidable Indian uprising headed by Mary Musgrove and her new husband, Bosomworth, threatened the destruction of the colony, and was quelled with much difficulty and at great expense.

13. The unpromising condition of affairs at length induced the Trustees to yield several points upon which they had previously insisted. The restrictions on slavery and rum were removed in 1749. Two years later, under the presidency of Mr. Henry Parker, Stephens having retired upon a pension, the first Provincial Assembly of Georgia was instituted, and convened at Savannah. It was composed of sixteen delegates, and although the law-making power was vested by the charter solely in the Trustees, it relieved the pressure by affording means of discussing and suggesting measures for the common good.

These various concessions produced a marked change for the better. Prosperity returned and the outlook became hopeful. The period of the expiration of the charter and termination of the Trust was, however, near at hand; and the Trustees, feeling that their policy had failed, determined to surrender the control of the colony to the Crown. The transfer was formally concluded June 23, 1752. The population had reached the number of 2381 whites with 1066 negro slaves, besides a settlement on the Ogeechee of some 500 persons from South Carolina.

14. As a Crown colony Georgia passed under the direc-

tion of the Lords Commissioners for Trade and Plantations, who drew up a plan of government similar to that in the other royal colonies. The new government went into operation in 1754. It is important to note its form and character with some care, as it constitutes the basis of many features of the later government of the State.

The governor, appointed by the Crown, was the chief executive officer and commander of land and naval forces. He formed a constituent part of the General Assembly, whose meetings he convened, prorogued and dissolved, and whose acts he could approve or veto. He appointed all officials except those immediately nominated by the king, and had power to pardon Criminals. As a judicial officer he wielded the powers of the English chancellor, and was the custodian of the Great Seal. He presided in a court of errors composed of himself and his Council as judges, and determining all appeals from the higher courts. As Ordinary he granted probate of wills and letters of administration. A lieutenant-governor exercised these powers during the absence or disability of the governor.

The Council was composed of twelve ordinary and two extraordinary members, appointed by the Crown during pleasure. Besides acting as an executive and advisory body as the governor's privy council, and as a judicial body in the court of errors, it formed the upper house of the General Assembly.

The Commons house of Assembly, or representatives, was composed of delegates elected by the freeholders. A property qualification in land was required of members and electors. The house conformed to the precedents of the English House of Commons. It chose its own speaker, and had the right of originating all bills appropriating money.

A general court consisting of two judges commissioned



by the governor; a court of oyer and terminer, sitting twice a year for the trial of all criminal matters; an admiralty court; and courts of inferior jurisdiction were provided. Collectors of customs, a register of deeds, a surveyor-general, a secretary of the province, a provost-marshal, an attorney-general, and other necessary officers were appointed.

**15.** The first royal governor was Captain John Reynolds, of the English navy. His administration proved unpopular, and in 1757 he was superseded by Henry Ellis, a scientist and navigator of some note. The colony was now divided into eight parishes for the regular establishment of the English Church. The prudence of Ellis and Georgia's distance from the scene of action saved her from the ravages of the French and Indian War. In 1760 the lands between the Altamaha and St. Mary's rivers were annexed to the colony by royal proclamation. This was confirmed on the cession of Florida to England in the treaty of 1763.

James Wright, the third and last royal governor, was installed in October, 1760. His administration was prudent and vigorous. This, combined with the increased autonomy of the colonists, and the direction of agriculture and trade into channels better suited to natural conditions, brought about a period of great material progress and prosperity. The value of exports increased from £30,000 a year to over £200,000 at the outbreak of the Revolution.

**16.** The approach of this crisis found Georgia divided in counsel. The strength of the administration and the presence of a preponderating number of loyalist or lukewarm citizens long hampered and restricted the active minority of patriots. The "Liberty Boys," indeed, organized in 1774; expressions of sympathy and various supplies were sent to Boston when the Port Act was en-



forced. But no Georgia delegate was present at either the Stamp Act or the first Continental Congress, and in the second Continental Congress Lyman Hall was long the only Georgian. He was sent by the independent action of St. John's parish, which thus won for that district the title of "Liberty County."

On July 4, 1775, a Provincial Congress in which all the parishes were represented chose Archibald Bulloch president, and by its activity fairly dominated the colony. A "Council of Safety" had been created in June and upon this the Congress conferred full power during the periods of its adjournment. A British powder-ship was seized, and Governor Wright was placed under arrest, from which he escaped by flight. In January, 1776, delegates were chosen to attend the Continental Congress, of whom Lyman Hall, Button Gwinnett and George Walton signed the Declaration of Independence in behalf of Georgia. When the tidings arrived, steps were taken toward a permanent organization of government. A constitutional convention composed of delegates elected by the parishes was held in Savannah in October. By its work the first State Constitution was framed, and formally ratified February 5, 1777.

17. Scarcely had the new Constitution been adopted when the faithful and patriotic President Bulloch died. The State could ill afford the loss of his wise services. Button Gwinnett was selected by the Council of Safety to fill his place, until a governor should be chosen under the new Constitution. In May the legislature met and selected John Adam Treutlen the first governor of the State. He was succeeded in January, 1778, by John Houston, but the organization of the State government was soon thrown into confusion by the arrival of British forces in the South. Savannah was occupied after the defeat of General Howe, who attempted its defence. In 1779, Governor Wright

resumed his authority in Georgia. The legislature and Council fled to Augusta, but became so disorganized, with the progress of British arms, that an irregular Executive Council, similar to the old Council of Safety, assumed control of affairs. John Wereat was made president of this council, with power to govern.

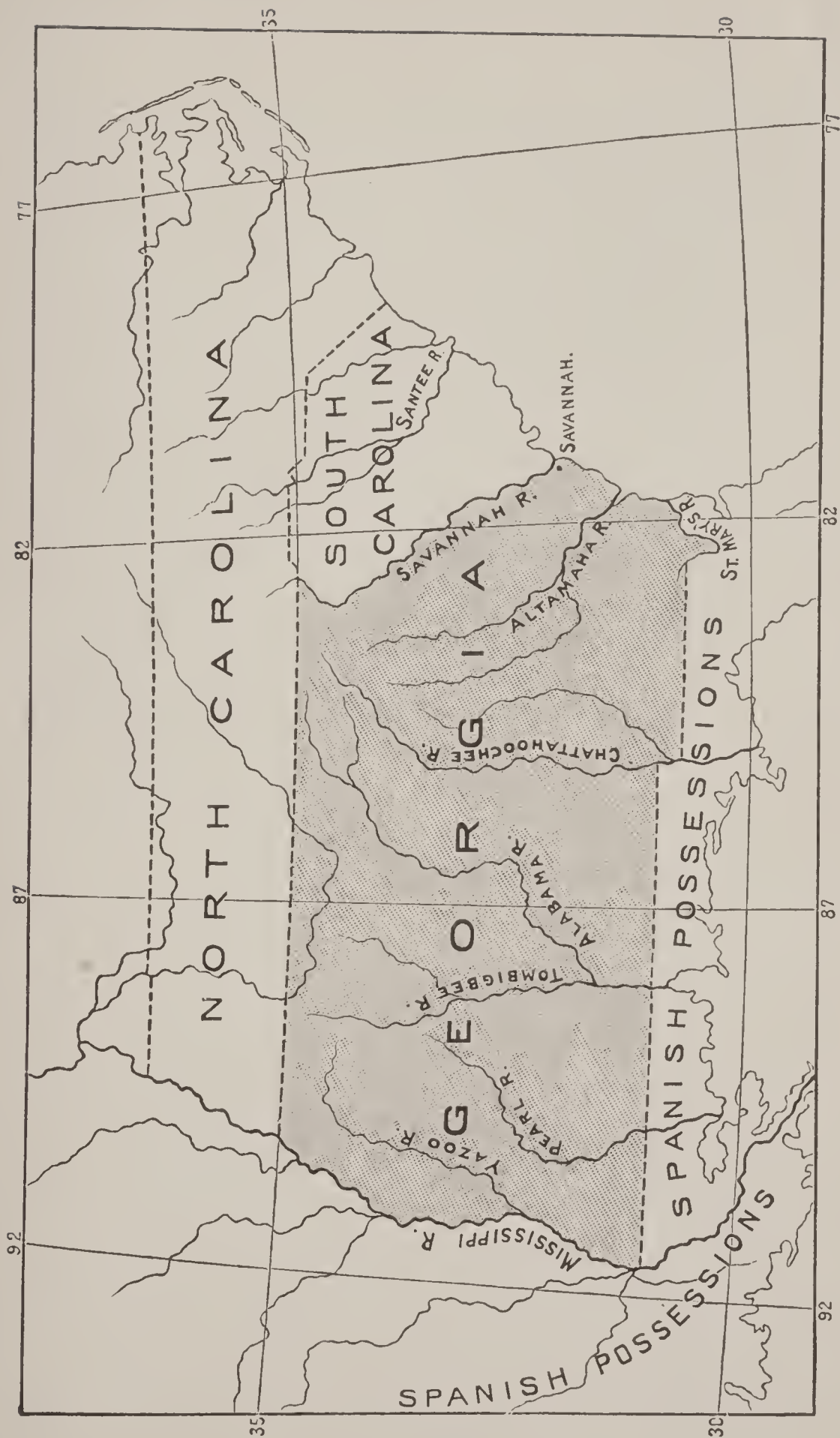
**18.** In the fall of 1779 Count D'Estaing with the French fleet came to assist the Americans under General Lincoln in an attempt to recover Savannah. On October 9, a determined assault was made on the city and sustained with much courage. Here Count Pulaski met a soldier's death and Sergeant Jasper displayed the intrepidity which has made him famous in Revolutionary annals. The final defeat of the Americans left Georgia in a desperate condition. Augusta was taken; supplies and provisions could only be had at famine prices; and many in despair were yielding to Governor Wright's inducements to return to British allegiance. Augusta was recaptured in 1781, but the British hold upon Georgia remained unshaken to the end of the war. In July, 1782, the royal troops were at last withdrawn.

With the return of peace, Georgia entered upon a period of recuperation. Prosperity gradually revived. The capital was moved to Augusta, and the Constitution was tested by actual experience. Georgia had early signed the Articles of Confederation, in 1778, and was the fourth State to ratify the Federal Constitution, January 2, 1788.

**19.** Up to this point in our sketch of the history of Georgia, the narrative has been confined exclusively to the colonies planted on the Atlantic seaboard by Oglethorpe and his followers. These first settlements were made by immigrants coming directly from Europe. It must not be supposed, however, that Georgia has grown up entirely from the seaboard nucleus. On the contrary, the

greater part of the present population of the State is composed of descendants of colonists who came from a different source. During the decade preceding the Revolutionary War, settlers from the older colonies to the north of us, Virginia and North Carolina, were beginning to push their way westward and southward in search of new lands. Tobacco raising was the principal industry of these colonies in the days before the invention of the cotton-gin, and as the culture of that plant very quickly exhausted the soil, the planters were constantly forced to occupy fresh fields. In the course of the struggle with Great Britain large numbers of Virginians and North Carolinians served on the Georgia-South Carolina border about the Savannah and Broad rivers, and were favorably impressed with the land. While the war was in progress and at its close, many families immigrated into this region, the movement being strongest between the years 1783 and 1790. These immigrants were a hardy race, as pioneers usually are, and in after years exercised a profound influence on the history of the State. Among the families which came to Georgia at this time from Virginia and North Carolina were the Crawfords, the Lewises, the Matthews, the Clarkes, and the Gilmers. The Virginians were as a rule from the large planter class, and were aristocratic in their way of living and thinking; while the North Carolinians were principally from the small planter class. The former settled in what is now Elbert County, the latter in Wilkes. It is thus clear that the Georgia of to-day has grown from two nuclei, one on the Atlantic seaboard, planted by immigrants from Europe, the other in northeast Georgia about the Broad river, the result of a southward movement from the older colonies. These two areas of settlement formed separate and distinct communities, cut off from each other by a broad belt of land extending from the





MAP OF GEORGIA FROM 1783 TO 1802.



Savannah River westward to the Indian country. A semi-frontier was thus interposed between the two centres of immigration. This intermediate country was very slow in filling up, as it was believed to be sterile, the "Cracker" element alone finding homes there.

**20.** The invention of the cotton-gin by Eli Whitney in 1793 had important results in the development of Georgia and of the South. A series of inventions in the manufacture of cotton—Hargreave's spinning-jenny, Crompton's mule, Arkwright's water-frame, Cartwright's power loom, and others—had created a great demand for the raw material. The separation of the seed from the cotton by hand was a tedious and costly process; not a pound was exported in 1790. The year after Whitney's invention one and a half million pounds were sent abroad. The raising of cotton at once sprang into great importance. The political effects were equally marked. The value of slaves, who were needed to cultivate the cotton crops, was greatly enhanced. A powerful influence had arisen to strengthen and perpetuate the institution of slavery.

**21. The Western Territory.**—The complications arising in connection with the lands between the Chattahoochee and the Mississippi make one of the most prominent topics in Georgia's early history. After the Revolution the State claimed all of this region north of the 31st parallel, in virtue of commissions issued to Governor Wright. South Carolina, however, contended that her original charter covered this area, while the United States claimed it as conquered by the combined efforts of the States, and ceded to the general government by the treaty of peace. Spain maintained her right to all below parallel  $32^{\circ} 30'$  denying England's power to cede a region conquered by herself. Her claims, however, were given up in the treaty of Madrid, negotiated by Pinckney in 1795. South Caro-

lina withdrew in 1781; the Federal authorities continued to resist Georgia's claim, but the final victory rested with the State. The compromise of 1802 granted all her demands, and the Supreme Court in 1827 confirmed the validity of her title.<sup>1</sup>

**22.** The advantage accruing to Georgia from the title to this vast territory was more apparent than real. It was in the possession of the Chickasaws, Choctaws, Cherokees and Creeks, powerful tribes with which the Commonwealth was utterly unable to cope, and all standing in treaty relations with the Federal government, which exercised an immediate protectorate over them. Moreover, the value of these lands for purposes of settlement and commerce depended largely upon the navigation of the Mississippi, which was entirely controlled by Spain. When, therefore, an offer was made to the State of the purchase of large tracts of this territory she was not unwilling to sell. Land speculation was one of the leading characteristics of the United States at this time, and the strategic advantages of a commercial settlement on the Mississippi near the mouth of the Yazoo were soon recognized. As early as 1785 applications were made to the legislature for grants in this region, and steps were taken toward the organization of "Bourbon County." In 1789 an agreement was effected with the "South Carolina Yazoo Company," soon followed by others with similar companies formed in Tennessee and Virginia. Much energy, capital and intrigue were expended in the promotion of these schemes; but

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<sup>1</sup> "The very ground on which she (the U. S.) denied the capacity of Spain to conquer or take by cession the territory on the Mississippi was fatal to the pretensions set up by her against Georgia \* \* \* to wit, that Spain could not acquire by conquest a territory within the limits claimed by an ally in the war."—Harcourt *vs.* Gaillard, 12 Wheaton, 523.

eventually all failed in establishing settlements, and but a fraction of the stipulated purchase-money reached the State treasury.

**23.** The fever of land speculation was not lessened by these failures, and in 1794 the legislature was importuned for new grants. Several companies, the largest formed in Georgia, including many prominent men and a majority of the members of the legislature itself, lobbied through a bill disposing of the greater part of what is now Alabama and Mississippi at a cent and a half an acre. It became a law January 7, 1795, and at once aroused a storm of indignation. It was declared that the legislature had fraudulently and unconstitutionally given away the people's inheritance. A constitutional convention which met in May was memorialized and petitioned to abrogate the sale. James Jackson resigned his seat in the United States Senate and returned to become an "Anti-Yazoo" leader. The legislature of 1796 was elected with the avowed object of repealing the obnoxious act, and lost no time in carrying out its purpose. The records of the sale were publicly destroyed and provision was made for refunding the purchase-money.

**24.** Many of the speculators, however, had hastened to advertise and sell their lands without the limits of the State. The Middle States and New England furnished large numbers of small purchasers. Many risked their entire savings in the enterprise. Boston alone contributed over two millions. When the rescinding act became known and the nature of the fraud revealed, the wildest excitement prevailed. The purchasers organized to enforce their claims. Congress, already alarmed by the probable effect of the Act of 1795 on the Indian territory under its protection, now appointed commissioners to treat with Georgia in regard to conflicting claims. Madison, Gal-



latin and Lincoln met Governor Milledge and Senators Jackson and Baldwin, the Georgia commissioners, and in 1802 terms were agreed upon. Georgia ceded all the lands west of the Chattahoochee on the payment of \$1,250,000 and upon the promise of the Federal government to remove all Indians from her remaining territory as soon as practicable.

The adjustment of the claims of the defrauded purchasers was thus transferred to the United States. After much litigation and endless debate in Congress a compromise was reached in 1814.

**25. Political Parties.**—One of the most notable results of the Yazoo agitation was the introduction into Georgia of an era of personal politics. The two national parties, the Federalist and the Republican, which owed their existence to radically opposed ideas as to the nature of the Constitution of the Union, had for a time flourished in Georgia, but the great struggle over the Yazoo frauds had effectively crippled the Federalists because it was believed that some of the leaders of that party were implicated in the scandal; and during the early part of the nineteenth century there was practically but one party in Georgia, the Republican. But Jackson had been very severe and outspoken in his condemnation of persons high and low who had engaged in the Yazoo business, and had naturally made a great many enemies, chief among whom were the



GOVERNOR JOHN MILLEDGE.



Clarkes. John Clarke was an active, energetic man and soon had a considerable following. Jackson was essentially an aristocrat, Clarke a man of the people, and the people of Georgia tended for many years to come to divide upon social and economic lines. Men of wealth, the large planters, possessing numerous slaves, followed Jackson, and after his death, William H. Crawford, who became the leader of that faction. The aristocratic element was, of course, strongest in the two centres of immigration, which tended to unite on political questions; while the frontier communities and small planters were almost solid for Clarke. George M. Troup succeeded Jackson in the leadership of the seaboard aristocrats, and after Crawford withdrew into national politics, Troup became the sole leader of the party, to which he gave his name. The antagonism between the Troup Party and the Clarke Party became very prominent in 1819, when Clarke defeated Troup for the governorship by a small majority. Again in 1821 Clarke was victorious by a majority of two votes, the governor at that time being elected by the Legislature. In 1825 Troup and Clarke again contested the governorship, Troup winning this time, by a majority of 683, the election being now popular. This long era of personal politics was brought to an end about seven years later. There had been for some time a feeling growing up that measures should be substituted for men. The opportunity came as the result of a reaction against the extreme State rights position maintained by Governor Troup in the struggle over the Indian lands described in succeeding paragraphs. It was felt by a considerable element in Georgia that Troup had pushed his position too far. The Clarke Party, therefore, changed its name to the "Union Party." The Troup faction took up the challenge and called themselves the "State Rights Party."

In the decade between 1830 and 1840, these two parties were absorbed respectively by the National Democratic Party, and the National Whig Party; but the rapidly growing anti-slavery sentiment at the north separated the Northern and Southern wings of both parties, and in 1850 the Southern Whig Party called itself the Constitutional Union Party, favoring Clay's Compromise. The Southern Democrats became the Southern Rights Party and opposed the Compromise. After the agitation over Clay's measures had died down these two Southern parties went back to the old alignment of Whig and Democrat, though the former was never afterwards very strong. Many of the prominent Whigs in Georgia, including Toombs and Stephens, with their followers, went over to the Democrats in 1854, as a consequence of the attitude in the Northern wing of the Whig Party on the slavery question. Before 1860 the Whig Party had disappeared from Georgia; and since the war there has practically been but one party, the Democratic.

**26. Indian Troubles.**—The Indians dwelling within the limits of Georgia and upon her borders were destined to give rise to a great deal of trouble. In the North where remnants of the Indian tribes remained, the jurisdiction of the several States was quietly and effectively extended over them; but this was prevented in Georgia by the organized tribal governments of the Creeks and Cherokees, protected by definite treaties with the United States. The Federal authorities had indeed promised in 1802 to extinguish their claims and remove them as soon as it could be done peaceably and safely; but their consent was hard to obtain, and in the meantime the progress of the State was impeded and her development checked by the presence within her borders of independent sovereignties, occupying much of her choicest land. Various purchases were

made from time to time by both Federal and State agents, and new counties organized and opened to settlement. But the Indians at length became suspicious of the motives of the whites, and persistently refused to sell. The issue between the State and the Federal government then became serious.

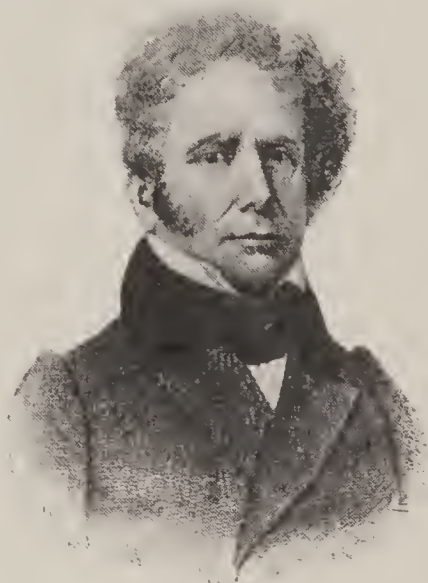
**27.** During the long years that this question was pending a number of Indian outbreaks occurred. Emissaries of the British in the War of 1812 stirred up the Seminoles and Creeks to hostilities. The legislature appropriated thirty thousand dollars and mobilized the militia. General Newnan led an expedition which quieted the Seminoles. The Creeks, after they had massacred five hundred and fifty persons at Fort Mimms, and had driven most of the settlers from Alabama, were at length subdued by the combined efforts of the Georgia forces under General Floyd and the Tennessee troops under Andrew Jackson. This was the beginning of Jackson's national fame and popularity.

**28.** In 1816 the Seminoles were again in arms. The hostilities covered a wide area, and were kept up for a period of two years. Governor Rabun applied to the War department for aid, and General Gaines was sent to the Florida frontier with Federal troops. In December, Jackson, now a major-general in the United States service, was given command in Georgia. With characteristic energy he crossed the border and captured the Spanish strongholds of St. Marks and Pensacola, on the plea that they were places of refuge for the hostile Indians and were centres of disturbance. Arbuthnot and Ambrister, two English subjects whom he suspected of stirring up the Indians, Jackson summarily court-martialed and executed. His vigorous conduct, while involving the government in



some difficulty with Spain and England, effectually terminated the war.

**29.** A slight anticipation will enable us to complete the period of Indian warfare. In 1835 an attempt to remove the Seminoles from Florida led to a second war which lasted until 1843. The great chief Osceola rallied the native forces around him, and in the tangled swamps and untrodden recesses of their hunting grounds, long bade defiance to the troops of the Union. The contagion spread to the Creeks in Alabama. General Winfield Scott hastened to the rescue, but many depredations were committed, and Roanoke on the Chattahoochee was attacked and burned before the Indians were brought to terms.



GOVERNOR GEORGE M. TROUP.

As a result of the war the Creeks were all removed to the Western territory. The war in Florida was prolonged at great trouble and expense, until the Seminoles were exhausted.

**30.** The persistent efforts of Georgia to induce the government to fulfil its pledge of 1802 had no practical results until the administration of George M. Troup, who was governor from 1823 to 1827. His firmness and address led to the negotiation of a treaty with the Creek chiefs by which the State secured a right to all their lands. These chiefs probably acted from selfish motives and without authority from the tribe. The Indians felt themselves defrauded and sent to Washington an indignant protest. President Adams sympathized with them, and



did his best to overthrow the arrangement. At one time, indeed, he came into such violent collision with Troup that the governor called out the militia to resist the Federal forces. Congress was, however, in determined opposition to Adams, and glad of the opportunity to humiliate him. It expressed its sympathy with Georgia, and the treaty was duly carried out.

**31.** The Cherokees, however, were still firmly intrenched in their position, and were a much more serious menace to the State's interests than the Creeks. They were nearly fifteen thousand in number and occupied the most fertile portion of the north-western territory. They were fairly civilized, peaceable and well-governed. Their conduct afforded no excuse for the use of force, and they stood upon their treaty rights in refusing to sell their land. They seemed destined to become fixed as a permanent independent community within the State.

The current of national politics which brought Jackson to the presidency gave Georgia the opportunity to avert the threatened danger. Jackson was the embodiment of the vigorous young democracy of the West, just awakening to a consciousness of its power. Direct and energetic, he was not likely to let a point of law stand in his way. His sympathies were well known to be hostile to the Indians, and his election was no sooner assured than the Georgia legislature passed an act extending the jurisdiction of the State over the country of the Cherokees and dividing it into counties. The President approved, and withdrew the Federal troops which Adams had sent down to protect the Indians; he advised them to submit to the laws of the State, or withdraw beyond the Mississippi. Congress in 1830 passed an act to encourage and assist their emigration.

**32.** Denied the protection of the executive, the Chero-

kees appealed to the Federal courts to sustain their rights. Three distinct times the Supreme Court of the United States decided in favor of the Indians, but the President refused to execute its judgments, confidently appealing to the people in the election of 1832 to sustain his position. Disheartened in their struggle, the Cherokees in 1836 agreed to a treaty commuting their claims for a payment of five million dollars and the expense of removal. In 1837 and 1838 they were convoyed to the West by Federal troops. Georgia at last had entered upon the possession of her entire territory.<sup>1</sup>

33. Throughout this period the population and prosperity of the State had steadily advanced. There are a few salient points which come within the scope of our brief summary. The boundaries of the Commonwealth were finally determined. The southern boundary had been extended to St. Mary's river in 1763, and was reaffirmed in the treaty of 1783. The South Carolina border was fixed by the treaty of Beaufort in 1787. The North Carolina

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<sup>1</sup> Schouler in commenting on the efforts of Adams and other overzealous northern philanthropists to support the Cherokees against the State, says: "Our Indian policy of wardship had led to miserable makeshifts, and the nursing of a red nation within the precincts of a State was one of them. It was like suckling a tiger's whelps in a lion's den."

As to the law involved: "Those who would judge for themselves between Georgia and the Cherokees must resolve this point of law: If the power of the Federal executive to negotiate treaties be added to the power of Congress to regulate commerce with the Indian tribes, do they together furnish a sanction for the erection of a permanent independent State within the territory of one of the members of the Union, and so override that other provision of the Constitution which declares that 'no new State shall be formed or erected within the jurisdiction of any other State' without the express consent of the legislature of that State and of Congress?"—WOODROW WILSON.

line was marked out by Endicott of Georgia in 1807. In 1818, United States commissioners fixed the Tennessee boundary, although certain disputes in regard to it were not settled until 1887. The purchase by the United States of Florida from Spain, in 1819, put an end to the presence of a foreign power on our southern border. In 1825, Governor Troup secured the establishment of a definite line between Georgia and Alabama.

The great seal of the State was adopted February 8, 1799. In 1803 a site was selected for the foundation of the State capital. The new town was named Milledgeville, in honor of Governor John Milledge. It remained the seat of government until 1877, when Atlanta was made the capital. In 1810 the first bank in Georgia, the Bank of Augusta, was established. In 1819 the enterprise of Savannah merchants won for Georgia the honor of being the first to send across the ocean a vessel propelled by steam. The first railway in the State was chartered in 1836; it connected Savannah and Macon. An act of the legislature in this year provided for the building of a State railroad. The surplus revenue in the United States treasury was distributed among the States in 1836. Georgia received over a million dollars, most of which was expended in building the Western and Atlantic Railroad, running to Chattanooga. The city of Atlanta, at first called Marthasville, sprang up about its southern terminus.

34. The effects of the great financial panic of 1837 were severely felt in Georgia. Charles J. McDonald, who was governor from 1839 to 1841, found it necessary to devote most of his attention to measures of relief. The Central Bank of Savannah was established, and advanced money to meet the needs of government. The administration of George W. Crawford, who succeeded McDonald



and held office for two terms, is signalized by the appearance in Congress of a brilliant group of Georgians, who afterward took a leading part in the political life of the



GOVERNOR GEORGE W. CRAWFORD.



HOWELL COBB.



ROBERT TOOMBS.

State. John McPherson Berrien, Howell Cobb, Wilson Lumpkin, Alexander H. Stephens and Robert Toombs are among the names of the Georgia delegation. During



Crawford's second term the supreme court of Georgia was established. Joseph Henry Lumpkin became first chief-justice, with Eugenius A. Nisbet and Hiram Warner as associate justices.

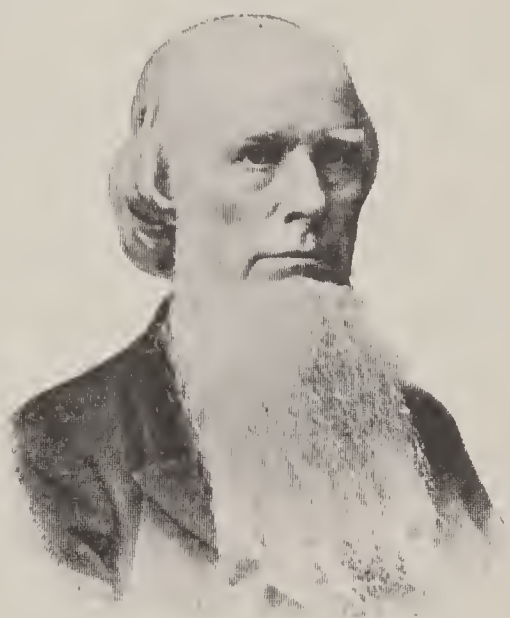
35. The annexation of Texas and the prosecution of the Mexican War found warm support in Georgia. Henry R. Jackson, afterward United States minister to Austria



ALEXANDER H. STEPHENS.

and to Mexico and a general in the Confederate service, led ten companies from Georgia into action. Many other bands of volunteers from the State joined the United States forces. In 1847 George W. Towns became governor. Crawford was appointed secretary of war in President Taylor's cabinet in 1849, and Howell Cobb became Speaker of the House of Representatives. The national agitation

over slavery, which was rapidly crystallizing about the question of the existence of slavery in the territories, had its effect on local politics. On the passage of Clay's famous compromise in 1850 new party lines were drawn in the State. The "Union party," led by Howell Cobb, Alexander H. Stephens and Charles J. Jenkins adopted the "Georgia Platform," agreeing to accept the compromise, and, while asserting the rights of the States, expressing devotion to the Union. The "Southern Rights" party, headed by McDonald, opposed the compromise unconditionally. In 1851 the Union party elected Cobb governor, polling a large majority over McDonald. During his term, however, the Democratic forces rallied and in 1853 elected their candidate, Herschel V. Johnson, over Jenkins. The four years of Johnson's administration were years of increase and prosperity. But the struggle over slavery was growing more and more serious. The Republican party was formed out of the various anti-slavery elements at the North. The signs of an approaching crisis became daily more ominous.



GOVERNOR JOSEPH E. BROWN.

**36. Governor Brown's Administration.**—The splitting of the State Democratic convention of 1857 into a number of hostile factions, prevented the nomination of any of the prominent candidates for governor. A compromise was at length effected in the choice of a man then comparatively unknown—Joseph E. Brown. A man of the people, he had worked his way up from poverty and ob-

security to the bench of the superior court. Those who bore the tidings of his selection are said to have found him, like Cincinnatus of old, binding wheat in the fields. His nomination and canvass for the office of governor soon won him wide popularity, and for four successive terms he was elected chief executive of the State.

The strength and energy of his administration in times of peace are shown by the vigor with which he enforced the resumption of specie payments by the banks after the panic of 1857, and increased the revenues coming to the State from its public property. But the war cloud was soon to burst, and it is as war-governor that Brown is chiefly known.

**37.** The triumph of the Republican party and the election of Lincoln in 1860, was felt by the South to be the establishment in power of a party bent upon the destruction of her social system and her constitutional rights. The avowed policy of that party was indeed only to check the extension of slavery, not to interfere with its existence in the States. But the South was in no mood to draw fine distinctions. For twenty years she had been misrepresented and, with gross injustice, charged with moral turpitude and wilful inhumanity. Nearly all the northern States had passed statutes intended to bar the operation of the Federal laws in regard to fugitive slaves. She saw the constitutional action of Congress thus deliberately nullified. She felt the whole body of her institutions and interests threatened, and believed it impossible to preserve them and remain in the Union.

**38.** South Carolina passed its ordinance of secession on the 20th of December. On the 16th of January, a convention was assembled to deliberate on Georgia's action. There was strong opposition to secession. Alexander H. Stephens, Benjamin H. Hill, Herschel V. John-



son and others deemed it the best policy to remain in the Union. Robert Toombs was the powerful champion of the opposite course. On the 19th the final vote was taken, and Georgia withdrew from the Union. Governor Brown at once seized the Federal arsenal at Augusta, as he had already, on January 3, taken possession of Fort Pulaski, at the mouth of the Savannah.

**39.** The details of the part played by Georgia in the desperate struggle of the Civil War cannot be condensed into our brief narrative of her history. The Constitution was changed in 1861 to conform to her new relations with the government of the Confederate States, in which her sons took a conspicuous place. The opposition to secession, after the step had once been taken, gave place to enthusiastic devotion to the Southern cause. Georgia yields the palm to none of her sister States in her efforts and sacrifices throughout the war. She sent into the field twenty thousand more soldiers than her entire voting population. Over three-fourths of her wealth was destroyed. The close of the struggle left her exhausted and feeble; sadly reduced in population, and with only the natural resources of soil and climate to repair her shattered fortunes.



BENJAMIN H. HILL.

**40. Reconstruction.**—The most humiliating and embittering result of defeat was the abuse of power by the Republican Congress during the reconstruction period. The assassination of Lincoln on April 14, 1865, was most disastrous for the South. He had outlined and adopted a



policy for the readmission of the seceded States that was liberal, wise and conciliating. His strength, his dignity, and his powers of persuasion were so great that he could easily have prevailed over Congress, or carried it with him. President Johnson, while he adopted Lincoln's policy, only succeeded in exasperating Congress and goading it to the extremity of arbitrary and unconstitutional action.

Soon after Lee's surrender, Governor Brown attempted to call together the legislature of Georgia. General Wilson, in command of the Federal troops and garrisons in the State, forbade its assembling. Governor Brown then resigned his office. The State was under military rule.

41. In accordance with President Johnson's plan of reconstruction, whenever one-tenth of the voters of 1860 should have qualified by taking oath to support the Union, and should have duly organized a government, that government should be recognized by the Federal executive. A convention was called under these conditions in October, 1865, which adopted a new Constitution. The ordinance of secession was repealed, slavery abolished, and the war debt repudiated. An election was fixed for November, at which Charles J. Jenkins was chosen governor. He was duly recognized by the President. The new legislature, which met December 4, ratified the Thirteenth Amendment to the Federal Constitution, abolishing slavery, and passed a number of statutes intended to place certain restrictions and safeguards about the newly emancipated slaves. Such measures seemed dictated by ordinary prudence; for all looked with apprehension for dangerous consequences to result from the unaccustomed and wholly unrestrained liberty of so vast a body of ignorant, destitute and homeless negroes.

This process of reorganization took place in nearly all the Southern States.

42. In the meantime the Republican Congress had met in a sullen and intolerant temper. It resented the policy of the President in anticipating it in the reorganization of the Southern governments; and it was exasperated by the belief that the recent laws of Southern legislatures in regard to the negroes were intended to contravene the results of the war. It soon evolved for itself a theory of the status of the defeated States; namely, that all Federal law was suspended in regard to them, and that Congress could reconstruct them as it pleased. The troops were ordered kept at their posts until Congress directed their recall. Senators and representatives from the new governments were not admitted. The action of the President was flatly contravened. A Fourteenth Amendment to the Constitution was proposed, and its ratification made a condition of the readmission of a seceded State. The Freedmen's Bureau was extended and strengthened. The Tenure of Office Act was passed to restrict the President's power; and the climax of this course of arbitrary legislation was reached in the Reconstruction Act of March 1, 1867.

43. By this act the Southern States were arranged in five military districts under martial law, each commanded by a Union general, who was to conduct the reorganization of government. A register of voters acceptable to the ideas of Congress was to be made; a convention was to be called in each State of delegates elected by these registered voters, and a Constitution was to be framed, ratified and sent to Congress for approval. Should this prove satisfactory the reconstructed State was to be admitted as soon as its new legislature had ratified the proposed Fourteenth Amendment. In the meantime the authority of Congress, through its military power, was to be supreme.

44. Then followed a period of acute suffering for Georgia and her sister States of the South. The more respectable

white men were excluded from the franchise, and negroes were everywhere enrolled. Adventurers from the North, unscrupulous and unprincipled, attracted by the instinct of plunder, soon gained absolute control of the black majorities. "An extraordinary carnival of public crime set in under the forms of law."<sup>1</sup> General Pope, then in military command of the State, called his convention in Atlanta. One hundred and seventy delegates, mostly Republicans and negroes, met on December 7, 1867, the session lasting till March. A new Constitution was drafted, which owing to the efforts of a handful of good men in the convention, was fairly satisfactory.

Governor Jenkins on refusing to pay forty thousand dollars from the State treasury for the expenses of this convention, was removed from office by General Meade, who had succeeded Pope. In a bold attempt to save the treasury from the raids of the revolutionary power then in control, Jenkins carried off all the funds of the State, together with the great seal, and deposited them in a New York bank. He applied to the Supreme Court for redress, but of course in vain.

The first election under the Constitution of 1868 was held in April of that year. Rufus B. Bullock, the Republican candidate, was elected, the Democrats for the most part being excluded from the polls. The new legislature met in July: the Fourteenth Amendment was duly ratified, and the people saw with heartfelt joy the withdrawal of military rule.

**45.** But their troubles were not yet ended. Bullock was strongly partisan, and the legislative majority was grossly incompetent. Taxes drained the State of sums which found their way into the pockets of the "carpet-bagger"

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<sup>1</sup> Woodrow Wilson's *Division and Reunion*, p. 268.



and "scalawag." Public debts were created to provide money for similar fraudulent purposes. At length by a determined effort the Democrats got control of the legislature. Twenty-five negro members were turned out and a law passed declaring only whites eligible to office. This brought back reconstruction. Bullock went to Washington and secured the passage of an act practically restoring the old legislature. The State was once more put under military rule, with General Terry in command, and a new condition imposed upon readmission to the Union—the ratification of a Fifteenth Amendment, securing the franchise to the negro. The Republican administration thus bolstered up by Federal authority became more flagrantly reckless and arbitrary than ever. It soon reached a point which even Congress could not tolerate. A committee was appointed to investigate the state of affairs, whose report led to an act restoring Georgia to the Union. This became law on July 15, 1870. Georgia was the last of the Southern States to be readmitted to the Union.

**46.** Governor Bullock was re-elected in November, 1870, in accordance with the act of Congress. His party was soon superseded by the Democrats, however, and in October, 1871, fearing impeachment for the abuses of his administration, he resigned and fled the State. Benjamin Conley, president of the Senate, succeeded to the executive office for the short period of his unexpired term. Some years later Bullock was arrested and brought back for trial, but the difficulty of obtaining sufficient evidence for conviction caused the proceedings against him to be dropped.

**47.** The inauguration of James M. Smith as governor in January, 1872, marks the full restoration of the people of Georgia to their birthright. The control of affairs was now in the hands of the Democratic majority. The process of upbuilding the industries shattered by the war and



the accumulation of new capital made rapid progress. Even during the abuses and oppression of reconstruction much had been done. The energy and enterprise of the people now had a free field. A reconstruction debt of some fifty millions of dollars had been piled up, all of which was shouldered by the new administration except about eight million dollars of notoriously fraudulent bonds, which were repudiated. The Western and Atlantic railroad was leased, and half its rental devoted to the newly inaugurated system of public schools.

In 1873 the policy of leasing State convicts was adopted. At first entered upon for five years, the lease in 1876 was extended to twenty. The period expired in 1899, and as the experiment had proved in many respects unsatisfactory, a modified system was adopted by which the convicts are placed under the care and supervision of a Prison Commission as described in section 81.

**48.** Alfred H. Colquitt was governor from 1877 to 1882.



GOVERNOR ALFRED H. COLQUITT.

In the first year of his administration a new Constitution was adopted, as elsewhere narrated. The appointment in 1879 of a State railroad commission to regulate freight and passenger traffic is noteworthy. In this, Georgia anticipated the policy which has since come to be recognized as the best method of controlling quasi-public corporations in the interests of the people. The Interstate Commerce Commission, established by the Federal government in 1887, shows the application of this princi-

ple on a national scale. In 1907 the powers of the State commission were greatly enlarged and its jurisdiction extended to include other public service corporations.

Governor Colquitt was succeeded by the veteran statesman Alexander H. Stephens. His death within a few months after his inauguration caused genuine and universal sorrow. Henry D. McDaniel was elected to fill his unexpired term, and on re-election served till 1886. In 1883 provision was made for the erection of a new capitol at Atlanta, to cost one million dollars. It was completed in 1889.

49. After two terms filled by Governor John B. Gordon, William J. Northen, the candidate of a new organization, known as the Farmers' Alliance, was made governor. The Alliance had its origin in a secret, non-political society for the promotion of the interests of the farming community, which were thought to be neglected in legislation. After its successful political venture in 1890, it gradually disintegrated, being absorbed for the most part in the Democratic party. Many of its members, however, entered the Populist or Third Party, which attained a rapid, though short-lived, growth throughout the West and South. It was composed chiefly of the rural elements of these sections, and was a result of general dissatisfaction with the attitude of both the old parties toward agricultural interests. The Third Party had a candidate for President in the field in 1892, who received 1,122,045 ballots, rather more than one-tenth of the total popular vote. The party platform in general favors the extension of the functions of the government, both State and Federal, to a greatly increased participation in the industrial life of the people. At the present time the Third Party has practically died out. It put up a candidate for the Presidency in 1904,

who received only 117,183 votes; there having been a steady movement back to the Democratic Party since the high water mark of Populism in 1892.

Governor Northen was re-elected in 1892. His able and



CHARLES F. CRISP.

faithful efforts to advance all interests of the State have won him universal esteem. In promoting the cause of education and in encouraging immigration into Georgia, his administration was noteworthy. The State received distinction in national affairs from the selection of Charles F. Crisp as

Speaker of the 53d Congress, and of Hoke Smith as Secretary of the Interior.

50. The Cotton States and International Exposition in 1895 brought together a gratifying display of the wealth and resources of Georgia and of the South, in tangible evidence of the work wrought by Southern energy since the devastation of the war. In more than one sense it seemed to mark the end of the period of recuperation from the effects of the war and reconstruction. The State had attained in productive capital and taxable property a value about equal to that of 1860; an era of prosperity and material advancement was dawning; and sectional feeling, with the bitterness of reconstruction memories, was disappearing in the strong current of national life.

51. The last decade, embracing the administrations of Governor Allen D. Candler (1898-1902), Governor Joseph

M. Terrell (1902–1907), and the beginning of that of Governor Hoke Smith, has been a period of marked progress. The State has participated in the general prosperity of the country. The higher price of cotton, their great staple, has materially advanced the condition of the farmers. Land has greatly risen in value; wealth has accumulated; and the presence of new capital has manifested itself commercially in the multiplication of banking facilities, the extension of railroads, the improvement of county roads; and industrially in the building of cotton factories, the development of water powers, the growth of the lumber business, and the introduction of many new manufactures. The chief difficulty in the way of the rapid expansion along all lines seems to have been an insufficient labor supply. Laborers, skilled and unskilled, are everywhere in demand, and wages of all classes of workingmen have greatly advanced. This condition has led to the serious consideration of plans for attracting immigration from Europe under State auspices. The recent financial stringency seems to have had but slight effect in Georgia.

**52.** A most noteworthy feature of these years is the great increase of government activity, both in the extension of executive functions exercised through various new



HOKE SMITH.



boards and commissions, and in the enactment of a number of important regulative and protective measures. As evidence of the former may be mentioned the Commissioner of Pensions; the Prison Commission, and reform of the convict system; the State Reformatory for juvenile criminals, established at Milledgeville; the Library Commission; the School-book Commission, with the prescription of uniform text-books; the department of Horticulture and Pomology; the Board of Entomology; the State Board of Health; and the radical extension of the powers and jurisdiction of the State Railroad Commission, with its prohibition of franks and free passes and reduction of rates. Among the regulative and protective measures are the vagrancy law, making vagrancy a misdemeanor; the pure food law; the law forbidding the sale of narcotics, except on physician's prescription; the law absolutely forbidding dealing in futures within the limits of the State; the child labor law, forbidding factories to employ children under ten, and under fourteen unless they can read and write and have attended school for at least twelve weeks of the preceding year; the law strictly regulating banking, and placing it under the supervision of the State treasurer; and the State prohibition law of 1907.

**53.** The State prohibition law should be especially noticed in connection with the important amendment to the constitution proposed in 1907, increasing the qualifications required of persons allowed to vote,—a measure generally known as the disfranchisement law. Both of these measures are closely related to the race problem. They represent the fruition of a sentiment that has been growing for a number of years; namely, that the State in its efforts to elevate the negro race has been greatly handicapped by the evil of drink, and by wholly erroneous ideas prevalent

among the inferior race as to the proper exercise of political rights. The prohibition law was necessary to remove one of the greatest incentives to crime; and disfranchisement seemed to be the only method of teaching the negro that the ballot is not a financial asset, but is a privilege to be acquired only by those who qualify themselves by education and industry to exercise an intelligent suffrage.

**54.** From an educational point of view the last ten years are distinctly encouraging. Each year has brought evidence of a greater appreciation on the part of the general assembly of the importance of providing a larger support for both the public schools and the higher institutions of learning. 'The State Teachers' Association was enlarged and reorganized in 1900 under the name of the Georgia Educational Association, and has brought constant influence to bear upon the promotion of intelligent legislation in the field of public education. The association has measures now pending to make high schools an integral part of the State system, and to inaugurate other important and desirable changes. The amendment to the constitution in 1903 and subsequent legislation which empowered counties and the newly-formed school districts to supplement the State school fund by a local tax, was a notable advance. The effective development of the Normal School at Athens, and the establishment of a regular course of Summer School instruction at the University, have done much to meet the demand for properly trained teachers. High-school work throughout the State has been greatly stimulated by the co-ordination of all schools that attain an established standard with the University system.

Finally, the recognition of the supreme importance to the State of intelligent methods of agriculture has led to a systematic attempt at agricultural education. Rudimen-

tary agriculture has been introduced into the curriculum of the public schools; provision has been made for an agricultural high-school in each of the eleven congressional districts; and a great central agricultural college has been established as a co-ordinate department of the University of Georgia.

## CHAPTER II

### THE CONSTITUTION OF GEORGIA

**55. A Constitution** is a body of fundamental law establishing or “constituting” a government. Written constitutions, such as prevail in the United States, may be traced to an origin in the charters first granted by the Norman kings to various English towns, usually conferring special privileges, and sometimes containing a frame of government. Similar charters were granted to the merchant guilds and trading companies of the Middle Ages. The Muscovy and East India companies of the sixteenth century are later examples. The London and Plymouth companies that founded the first permanent English colonies in America operated under charters of this character. The Massachusetts Bay company brought its celebrated charter of 1628 to America, and used it as a written constitution for the colony. The people of Connecticut during the Revolution bodily adopted the liberal charter granted them by Charles II. as the constitution of the State, and lived under it until 1818. Rhode Island kept its colonial charter as its State constitution until 1842.

A written constitution is to be looked upon as a limitation of the powers of government. It is not the source, but the result of the liberty of the people, defining the rights which they already possess, and establishing a systematic organization for their protection.

**56. Characteristics of State Constitutions.**—There are certain features common to all the State constitutions,



although great diversities exist with regard to political regulations, and to the details of the organization of government. They all contain: (1) a declaration of rights; (2) an assertion of the sovereignty of the people; (3) the creation of three co-ordinate departments of government, the legislative, the executive, and the judicial; (4) a definition of the qualifications necessary for the right of suffrage; and (5) an expressed or implied recognition of the right of local self-government.

Many State constitutions trench upon the domain of private law, embodying regulations as to the management of State property, the administration of the State debt, formulating homestead exemption laws and sumptuary laws, and invading in many points the field properly belonging to legislation. This is unfortunate, as it tends to obscure the distinction between constitutional and ordinary law. It doubtless arises from a distrust of legislators, a desire to secure permanency for certain classes of laws, and to give certain laws the approbation of a popular vote. One effect is to cause much more frequent changes in the constitutions of the States than would otherwise be necessary.

**57. The First Constitution of Georgia** was adopted as already related, on the 5th of February, 1777. Its provisions were the result of the experience of the colonists under the frame of government of 1754.<sup>1</sup> The preamble recites the oppressions of Britain, the Declaration of Independence, and the recommendation of the Continental Congress as to the establishment of State governments. Sixty-three articles follow. The executive, legislative and judicial departments were declared to be separate and distinct. This important change from English and colonial

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<sup>1</sup> See ¶ 14, page 18.

precedent was made in all the American States. The colonial governor and council had combined all three functions. The change involved others, such as the creation of new courts to discharge the governor's judicial duties, and of a new upper house to supply the place of the legislative council.

The legislature under this Constitution was to consist of one House of Assembly elected annually by the freeholders of the eight counties which were now created to supersede the old parishes. A stiff property qualification was required of both members and electors. Each county was assigned ten representatives, except Liberty, which had fourteen, and Glynn and Camden, whose sparse population entitled them to only one each. Future counties were to be given ten representatives whenever they had one hundred or more electors.

The governor was to be chosen annually by the Assembly on its first day of meeting—the first Tuesday in January. His powers as compared with those of the colonial governor were greatly restricted. He had no veto and even pardons had to be referred to the Assembly.

An Executive Council was to be selected on the same day as the governor. The representatives were to choose by ballot from their own number two councillors for each county having ten representatives. The representatives remaining after this selection constituted the House of Assembly. The Executive Council chose its own president, who took the place of the governor when absent. Vote was taken in this body by counties. Laws of the Assembly were to be submitted to the Council, who might send a committee to the House to propose amendments.

A superior court of general jurisdiction was to be established in each county. Its bench was composed of a chief justice, and any three or more justices residing in the

county. Sessions were to be held twice a year. Maritime cases were to be tried by a special court. The lower courts were to be continued as previously established. A register of probates was appointed in each county. Entails were forbidden. Free toleration of all religions was guaranteed. No clergyman was to be eligible to the Assembly. Excessive fines and bail were declared unlawful. *Habeas corpus*, freedom of the press, and jury trial were pronounced inalienable rights.

**58. The Second Constitution 1789.**—Georgia's ratification of the Federal Constitution, January 2, 1788, made necessary certain alterations in her own, and a convention of three persons from each county, nominated by the Assembly, was called at Augusta to revise the whole instrument. On November 24 their work was made public. A second convention of elected delegates was held in January, 1789, to ratify. Certain alterations were proposed, and a third convention was called in May, which finally ratified and adopted the new Constitution, to take effect on the first Monday in October, 1789.

This instrument brought the State government into proper adjustment with that of the United States. The supremacy of the Federal Constitution was recognized; and provision was made for the selection of presidential electors and United States senators and congressmen.

The most striking changes in the government of the State were the creation of a Senate, whose members were to be elected triennially; the abolition of the Executive Council; the extension of the governor's term to two years, and the change in the manner of his election. The representatives hereafter were to choose three persons, from whom the Senate was to select one to serve as governor.

**59. The Third Constitution, 1798.**—Another conven-

tion was soon called to consider further alterations. Three delegates from each county met at Louisville in May, 1795, and effected a number of amendments. The senators were to be elected annually, instead of triennially; all elections of the General Assembly were to be by joint ballot; its time of meeting was changed from November to January; the seat of government was removed from Augusta to Louisville.

The amendments of 1795 were felt to be insufficient, and in May, 1798, a convention was held at Louisville, which drew up the third Constitution of the State.

The suffrage was extended and the property qualification of electors dropped. Representatives were to be apportioned to the counties according to population, counting three-fifths of the negroes, each county to have one representative and no county to have more than four. A State census was to be taken every seven years.

The powers of the governor were increased; he was given the veto and pardoning power as at present. The offices of secretary of State, treasurer, and surveyor-general were created, the election being placed in the General Assembly. In 1799 the office of comptroller-general was added by statute.

**60. Changes in the Constitution of 1798.**—The Constitution of 1798 remained the basis of our government until the Civil War. It was supplemented by the Judiciary Act of 1799; and by various amendments it was modified and adapted to changing conditions. The general trend of these amendments was toward an increase in the direct political influence of the people. The governor after 1823 was elected by popular vote. In 1834–35 the property qualification required of State senators and representatives was dropped. In 1845 a similar change was made in the office of governor.



In 1840 the General Assembly was made biennial and in 1842 State senatorial districts were created, and a new method of apportioning representatives was introduced.

The power of amendment<sup>1</sup> thus supplied the elasticity which enabled the Constitution to meet the requirements of later generations.

**61. The Constitution during the War and Reconstruction** underwent a number of changes. We have already discussed the events leading to the adoption of Georgia's fourth Constitution in 1861; the fifth, in 1865; and the sixth, in 1868. The last-named extended the terms of governor and State officers from two to four years. The General Assembly was to meet annually; judges of the supreme and superior courts were to be appointed by the governor, and various other changes were made. Public education was recognized; and slavery and political discrimination of race were abolished.

**62. The Constitution of 1877.**—The seventh Constitution of Georgia was ratified by vote of the people on December 5, 1877. Under this Constitution, modified by various amendments, we are still living. Many of the innovations of the Constitution of 1868 were swept away. Others were retained or modified, as shown desirable by the experience of the decade. A noticeable increase in the provisions governing matters of private law shows a tendency to throw additional safeguards about legislation, and to restrict the powers of the General Assembly.

## PROMINENT EVENTS IN THE HISTORY OF GEORGIA

1539. Hernando De Soto traverses Georgia.

1562. Jean Ribaut at Port Royal.

1564. Laudonnière on St. John's River.

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<sup>1</sup> See *Constitution, Art. XIII, Sect. I.*

1565. St. Augustine founded by Melendez.
1630. Grant of Charles I. to Sir Robert Heath.
1717. Sir Robert Montgomery's attempts at colonization.
1732. June 9. Charter granted by George II. to Oglethorpe and his associates. Georgia named.
1732. November 17. The "Anne," Captain John Thomas, sails from Gravesend with 130 emigrants for Georgia.
1733. January 13. The "Anne" arrives at Charleston.
1733. February 12. The colonists reach Savannah. "Georgia Day."
1734. March. Arrival of the Salzburgers.
1735. Highlanders settle at Darien.
1735. John and Charles Wesley in Georgia.
1735. Augusta founded.
1736. George Whitefield in Georgia.
1739. Oglethorpe lays siege to St. Augustine.
1742. Spaniards attack Frederica.
1743. Oglethorpe leaves the colony.
1743. Colonel William Stephens, President of the colony.
1751. Henry Parker, President.
1751. First Provincial Assembly.
1752. June 23. The Trustees surrender the Charter to the Crown.
1754. Georgia's frame of government as a Crown colony.
1754. Captain John Reynolds, the first royal governor.
1757. Henry Ellis, second royal governor.
1760. James Wright, third and last royal governor.
1763. Peace of Paris. Spain cedes Florida to England.  
Southern boundary of Georgia, the St. Mary's River.
1774. "Liberty Boys" organize.
1775. July 4. Revolutionary Provincial Congress.
1776. Lyman Hall, Gwinnett and Walton sign the Declaration of Independence.
1777. February 5. State Constitution adopted.
1777. May. John Adam Treutlen, first governor.
1778. Georgia signs the Articles of Confederation.
1778. British occupy Savannah.
1779. October 9. D'Estaing and Lincoln attack Savannah. Death of Pulaski.
1782. British withdraw from Georgia.

1783. Sept. 3. Treaty of Peace signed at Paris and Versailles.  
Southern boundary confirmed.
- 1783-90. Settlement of North Carolinians and Virginians on the  
Broad river.
1784. Legislature donates 40,000 acres of land to found a uni-  
versity.
1785. University of Georgia chartered.
1788. January 2. Georgia ratifies the Constitution of the Uni-  
ted States.
1789. Second State Constitution.
1793. Invention of the cotton gin.
- 1794-6. Yazoo frauds.
1795. Louisville made State capital.
1798. Third State Constitution.
1799. Judiciary Act.
1799. Great Seal adopted.
1801. Donation of Governor Milledge. University of Georgia  
opened.
1802. Georgia cedes her western territory to the United States.
1803. Milledgeville founded as capital.
- 1813-14. The Creek War.
- 1816-18. First Seminole War.
1819. The "Savannah" crosses the ocean by aid of steam.
- 1823-7. Governor Troup in conflict with United States authori-  
ties.
- 1835-43. Second Seminole War.
1836. First Railroad in Georgia chartered.
1836. Act passed for building Western and Atlantic R. R.
- 1837-8. Cherokees finally removed from the State.
1837. Emory College founded by the Methodists.
1838. Mercer University founded by the Baptists.
1845. Supreme Court established.
1850. "Union" and "Southern Rights" parties formed.
- 1857-65. Joseph E. Brown, governor.
1861. January 19. Georgia secedes from the Union.
1861. Fourth State Constitution.
1862. Reduction of Fort Pulaski. Blockade of Savannah.
1863. Battle of Chickamauga.
1864. Occupation and destruction of Atlanta.
1864. Sherman's March to the Sea.

- 1865. Fifth State Constitution.
- 1865-70. Reconstruction.
- 1867. Dec.—1868, March. General Pope's convention.
- 1868. Sixth State Constitution.
- 1868-71. Bullock's administration.
- 1870. July 15. Georgia re-enters the Union.
- 1871. Public school system put in operation.
- 1877. Seventh State Constitution.
- 1877. Atlanta made State capital.
- 1879. State Railroad Commission established.
- 1890. The "Farmers' Alliance" elects Governor Northen.
- 1892. Growth of the Populist Party.
- 1895. Sept. 18-Dec. 31. The Cotton States and International  
Exposition.
- 1897. Prison Commission established.
- 1903. Vagrancy Law.
- 1905. School districts created. Local tax.
- 1906. Court of Appeals established.
- 1906. Child Labor Law.
- 1906. Agricultural High-schools established.
- 1907. State Militia reorganized.
- 1907. State Railroad Commission reorganized.
- 1907. State Prohibition.
- 1908. Disfranchisement Amendment.





THE GREAT SEAL OF THE STATE OF GEORGIA.

## PART II

### CHAPTER III

#### THE STATE GOVERNMENT

**63. The State and the nation.**—The State retains under the Constitution of the United States all rights not expressly or by implication conferred in that document upon the Federal government. Its powers are thus wide and varied. They include the creation and alteration of its Constitution and frame of government; the establishment of its courts, and system of civil and criminal procedure; the adoption of its whole body of private law; the regulation of local government in counties, cities, towns and districts; the control of State and local taxation and public debts; and the prescription of qualifications for citizenship. Indeed, nearly all the ordinary affairs of the daily life of the citizen fall within the sphere of the State's authority. "An American may through a long life never be reminded of the Federal government,

except when he votes at presidential and congressional elections, lodges a complaint against the post-office, and opens his trunks for a custom-house officer on the pier at New York, when he returns from a tour in Europe. His direct taxes are paid to officials acting under State laws. The State, or a local authority constituted by State statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, licenses him when he enters a trade (if it be one needing a license), marries him, divorces him, entertains civil actions against him, declares him a bankrupt, hangs him for murder. The police that guard his house, the local boards which look after the poor, control highways, impose water-rates, manage schools—all these derive their legal powers from his State alone.”<sup>1</sup> It is obviously more important for the citizen to be familiar with the government of his State than with that of the nation.

**64. Citizen and Elector.**—A citizen is a member of a body politic bound to allegiance and entitled to protection. The United States Constitution, in the Fourteenth Amendment, provides that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” With this limitation, a State can define its own citizenship. Some States admit foreigners to citizenship after only six months’ residence. In Georgia only citizens of the United States residing in the State are declared citizens.

An elector is a citizen who has the right to vote. The State has full power to fix the right of suffrage with two restrictions under the Federal Constitution: The right to vote may not be withheld “on account of race, color, or

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<sup>1</sup> BRYCE: *American Commonwealth*, Vol. I., p. 411.

previous condition of servitude;" and voters at congressional elections must have "the qualifications requisite for electors of the most numerous branch of the State legislature." The Constitution of the State prescribes the qualifications of electors.<sup>1</sup>

**65. The State Government.**—The government of Georgia is vested by the Constitution in three co-ordinate departments—the legislative, the executive, and the judicial.

### THE LEGISLATIVE DEPARTMENT

**66. The Legislative Power** of the State is vested in a General Assembly, consisting of a Senate and a House of Representatives.

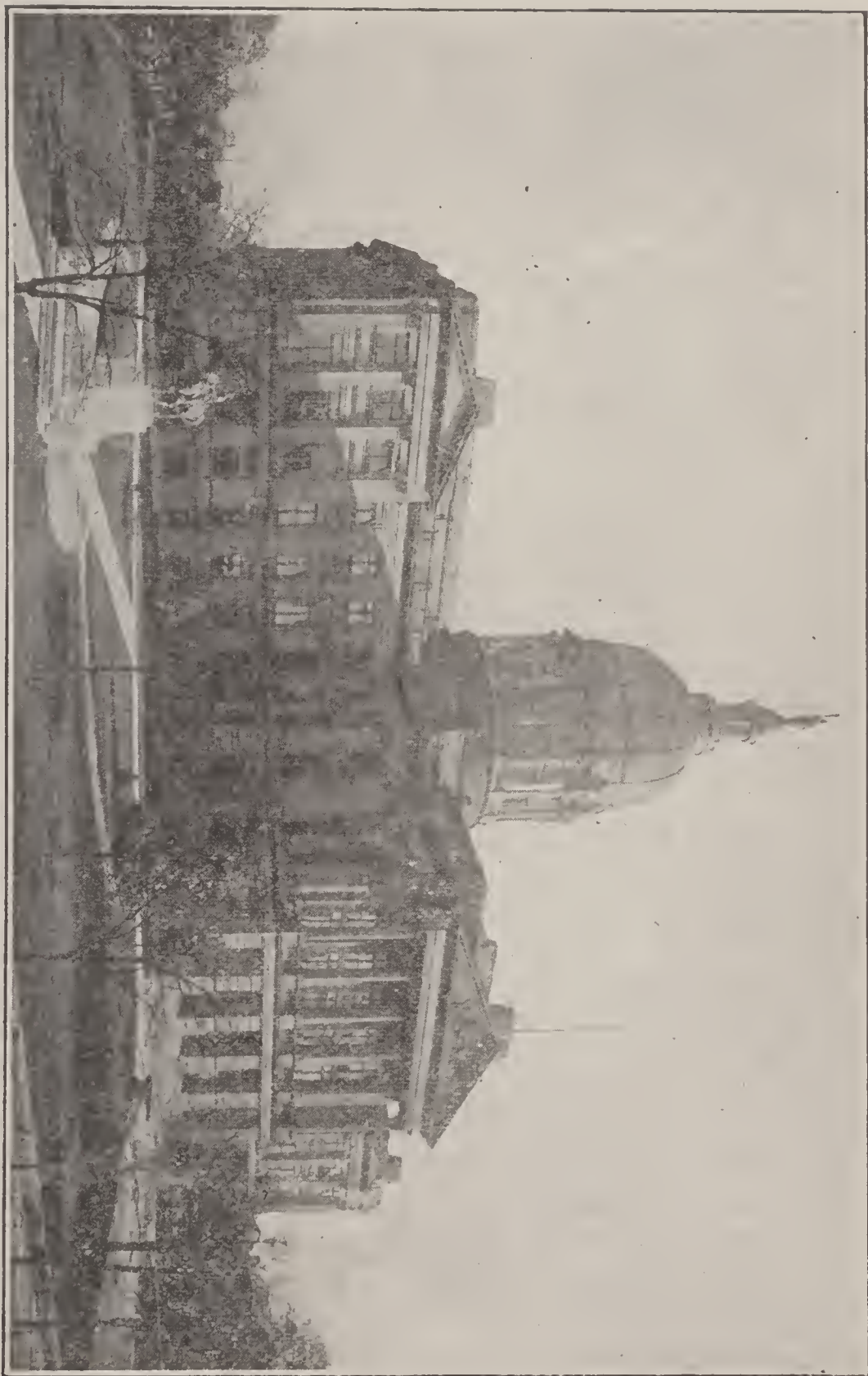
**67. The General Assembly or Legislature** is composed of members chosen at the general State election held on the first Wednesday of October of every even-numbered year. It meets annually in the Capitol at Atlanta. The session begins on the fourth Wednesday in June, and is limited to fifty days, including Sundays. It is vested by authority of the people with power to make such laws as it may deem necessary and proper for their welfare. These laws deal with all the relations of residents of the State with the State government, and with nearly all their ordinary actions and business relations with one another. The creation and regulation of local governments, the organization of courts of law, the prevention and punishment of crime, the execution of contracts, the establishment and support of schools, the control of taxation, and many matters of similar importance affecting the daily life of the people, fall within their scope.

The General Assembly can make no laws in conflict with the Constitution of the United States, or with that

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<sup>1</sup> See *Art. II, Sects. I and II.*





THE CAPITOL AT ATLANTA, GA.



of the State. The State Constitution further lays a number of express limitations on its power.<sup>1</sup>

It is charged with the proper division of the State into congressional, senatorial and judicial districts, and with the decennial apportionment of representatives among the counties. It elects in joint session Georgia's two United States senators, following the popular choice expressed in the primary elections.

The Constitution prescribes the qualifications of members, but each branch of the General Assembly is judge of the election and eligibility of those belonging to it. Each branch establishes its own rules, and has power to punish or expel a member for misconduct. Members are exempt from arrest during the session and while on their way to and from the capital, except for treason, felony, larceny or breach of the peace. The pay of members is four dollars a day and a mileage allowance of ten cents per mile each way. The president of the Senate and the speaker of the House receive seven dollars a day and mileage. Neither house can adjourn for more than three days, nor to any different place, without the consent of the other. A majority of each house constitutes a quorum, but a smaller number may adjourn from day to day and compel the attendance of absentees. Each house is required to keep a journal of its proceedings, which is published after adjournment.

**68. The Senate.**—The Senate consists of forty-four members. The State is divided into the same number of senatorial districts, composed of three or four counties each.<sup>2</sup> The General Assembly may change these districts

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<sup>1</sup> See *Art. III, Sect. VII, Art. IV, Sect. II, etc.*

<sup>2</sup> See *Art. III, Sec. II, par. 1.*

after each United States census, but may not increase their number. One senator is elected by the voters of each district for a term of two years. In practice the senatorship is usually given in rotation to each county in the district.

The Senate is organized at the opening of each session of the General Assembly by the *viva voce* election of one of its members as president. A secretary, not a member, is similarly elected, and has power to appoint assistants; he is allowed sixty dollars per day for all clerical expenses. The president appoints the various standing committees of the Senate. A president *pro tempore* is chosen to preside in his absence.

The confirmation of the Senate is necessary in all important appointments by the governor, and it has the sole power to try impeachments. It thus has a share in both executive and judicial power. In impeachments the chief justice or some judge of the supreme court presides, and a two-thirds vote is necessary to convict.

Minor officers are a doorkeeper and messenger, elected by a majority vote, and receiving the pay of members. No one is eligible to the Senate who has not resided four years in the State and one in the district, and who is not at least twenty-five years of age.

**69. The House of Representatives** is composed of one hundred and eighty-four members, apportioned among the several counties of the State according to the following rule: After each United States census the six counties having the largest population are given three representatives each; the twenty-six counties having the next largest population are given two each; and the remaining one hundred and fourteen counties are assigned one each. When the system was adopted it gave a representation

fairly proportional to population, but the inequalities are now striking. It is especially unfair to the inhabitants of the larger cities.<sup>1</sup>

The presiding officer, called the Speaker, is chosen *viva voce* from the members at the first meeting. His duties include the appointment of all standing and other committees except those specially ordered by the House, and the signing of all bills passed by the House. The great influence of committees on legislation makes the office of speaker a most important one. The House has the sole right to institute impeachments, and to originate bills for raising revenue or appropriating money.

A clerk is elected, by a majority vote, who appoints assistants and is allowed seventy dollars per day for all clerical work. A messenger and doorkeeper are similarly elected, and receive the pay of members. Representatives must be over twenty-one years of age, and of at least two years' residence in the State and one in the county.

**70. Law-making.**—A proposed law originates as a "bill" introduced by a member of either house of the General Assembly. The bill must contain but one subject, clearly expressed in its title, and must be read on three different days in each house. It is usually referred after its first reading to the appropriate one of the various standing committees into which both houses are organized. The report of these committees usually decides the fate of the bills referred to them; their work is of great importance in guiding and facilitating legislation. Rarely, when time presses, a bill is engrossed and passed to its second reading without reference to a committee.

On report of the committee to which a bill has been

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<sup>1</sup> *E. g.*, Fulton county, containing the city of Atlanta with over 100,000 people, can be out-voted in the House by four small counties with an aggregate population of 15,000.

referred, it is engrossed and read a second time. If the report is unfavorable the bill is debatable on second reading and is likely to go no further. In practice the first two readings are by title only.

On the third reading the bill is discussed and debated, and the vote of the House taken. If it receives a majority of votes of all members elected it is sent to the other house, where the same process is repeated. If amended, it must be returned to the house in which it originated, for concurrence. A joint committee of the two houses is sometimes appointed to compromise differences.

When both houses have passed the bill the "enrolled copy" is made and signed by their presiding officers. It is then entered on the journals and sent to the governor for his approval. If he signs it the bill becomes a law. If he does not approve it he "vetoes" it, returning it with his objections to the house originating it. His veto may be overruled by a two-thirds vote of both houses. If he neither signs it nor returns the bill within five days, it becomes a law, unless the General Assembly has adjourned in the interim. In the latter case the bill is defeated—a process known as a "pocket veto."

## THE EXECUTIVE DEPARTMENT

**71. The Executive Power** is vested by the Constitution in a governor, a secretary of State, a comptroller-general and a treasurer. The attorney-general, and various officers and boards created by the General Assembly for administrative purposes, properly belong to this department. All the above-named officers are elected for terms of two years at the State election on the first Wednesday in October of even-numbered years.

**72. The Governor.**—The supreme executive officer of



the State is the governor. It is his duty to see that the laws are faithfully executed, and to exercise a general supervision over the interests and property of the State. He must inform the General Assembly from time to time of the condition of the Commonwealth, and recommend such measures as he may deem necessary or expedient. He has a general control of the executive departments, and may require of their heads written reports under oath. His signature is necessary to all legislation requiring the concurrence of both houses, and he may veto any bill which he does not approve. He may veto any part of a bill appropriating money, and approve other parts of the same bill. He may convene the General Assembly for special purposes on extraordinary occasions; and if the two houses disagree as to adjournment, may adjourn them for any time, not over four months, that he may think proper.

The governor has power to remit fines, and to reprieve, pardon or commute the sentence of persons convicted of crime against the State, except in cases of treason and impeachment. He appoints, with the consent of the Senate, a number of important officers, including the judges and solicitors of the city and county courts, officers of militia, and the trustees of the University of Georgia and of various educational and charitable institutions. He has the absolute appointment of the secretaries and clerks<sup>1</sup> of the executive office, the State librarian, guards of the capitol and grounds, and of various minor officials. In most elective offices he has power to fill vacancies. He is commander-in-chief of all military and naval forces of the State, except when they are called into the service of

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<sup>1</sup> The governor is allowed two secretaries and such additional clerical force as his office may require, the total cost not to exceed six thousand dollars per annum.

the United States. His warrant is necessary for the payment of money from the treasury.

It is the duty of the governor to cause the arrest of fugitives from justice from without the limits of the State, and upon formal requisition to have them delivered to the proper authorities. He may be re-elected, but after a second term is not again eligible for four years. His salary is \$5000, an executive mansion being provided in addition. He must be at the time of election at least thirty years of age, and must have been a citizen of the United States for fifteen, and of Georgia for six years. Georgia differs from a majority of the States in having no lieutenant-governor. In case of the death or resignation of the chief executive, the duties of his office devolve upon the president of the Senate, the speaker of the House being next in succession. A special election for governor must then be called after thirty and before sixty days have elapsed.

**73. State Officers.**—The secretary of State, comptroller-general, treasurer and attorney-general are chosen by the electors at the same time and for the same term as the governor, by whom they are commissioned. The salary of the attorney-general is \$3000; the others receive \$2000 per annum each, with allowances for clerical expenses. No person is eligible to these offices unless he has been a citizen of the United States for ten years and of Georgia for six, and is at least twenty-five years of age. Each of these officers is denied any fees or compensation other than his salary; and each must give bond for the faithful discharge of his duty.

**74. The Secretary of State** is charged with the custody of the Great Seal of the State, the original acts and journals of the General Assembly, and the preservation of all public records and State papers not pertaining

specially to other offices. It is his duty to attest and affix the seal to all grants and public documents issuing from the executive; to keep safely all bonds of agents appointed to disburse public money; to make arrangements for the meetings of the General Assembly; and to provide the ordinaries with printed forms of election returns, certificates and directions. The granting of certain charters of incorporation is placed in his charge; namely, to banking, insurance, railroad, canal, navigation, express and telegraph companies.

Since the consolidation of his office with that of surveyor-general he has been further required to keep correct maps of the various surveys made by State authority, with records of all plats of land surveyed or granted by the State, and to register the several grantees, with the dates of grants.

**75. The State Treasurer** is required to receive and keep safely all money due the State, giving certificates therefor, which are lodged as vouchers in the comptroller's office; and to pay it out only on warrants of the governor countersigned by the comptroller-general, or on drafts of the president of the Senate or speaker of the House for sums due the members and officers of the General Assembly. He must manage and control the funds pledged to the public debt and to other special purposes, and see that they are not drawn upon for any other object. He advises the governor in the selection of banks to serve as depositories of the public funds—the cities in which they must be located being designated by statute.

The treasurer must keep a full and accurate set of books showing all receipts and expenditures, and must make a quarterly report to the governor of all transactions of the treasury. Before each annual session of the General Assembly he must submit to the governor a de-



tailed estimate of the probable receipts and expenditures for the next fiscal year. His bond is \$200,000.

Since the establishment in 1907 of a Bank Bureau in the treasury department, the treasurer has been *ex-officio* State bank examiner, charged with the enforcement of the banking laws of the State, and with the general supervision of all companies doing a banking business. For this service he receives \$2500 a year, and is authorized to appoint one or more assistant bank examiners, with such clerical force as may be necessary, whose salaries, together with his extra compensation, are prorated upon the banks in proportion to their capital.

**76. The Comptroller-General** is charged with a multiplicity of duties. He audits the accounts of all agents disbursing public money, and all accounts against the State. He must examine and countersign all warrants upon the treasury drawn by the governor, and with the treasurer is liable for illegal payments made on warrants so countersigned.

He has general oversight of the State revenues and their collection. He prescribes rules for the tax officers; furnishes the blank forms used by the tax receivers; examines the digests of tax returns; issues executions against defaulting tax collectors; allows the commissions of tax receivers and collectors; and preserves the record of their bonds. He receives directly the tax returns of certain corporations, such as railroad, express and insurance companies; and if he deems them insufficient may raise the assessment, upon which the company, if dissatisfied, may resort to arbitration. He collects unpaid taxes of previous years. He secures evidences of debts due the State from any other source than taxation. And it is his duty to devise and suggest improvements in the revenue laws.

His office must preserve records of all appropriations



authorized by law; a book of all bonds taken, with a file of the original bonds; a list of all wild lands in each county; and must prepare tables of taxable property, polls, voters, school children, and other statistics pertaining to his office for the use of the General Assembly.

He is *ex-officio* the State insurance commissioner, issues licenses to all insurance companies, and has general supervision of the execution of the laws governing insurance.

The comptroller-general, secretary of State, and treasurer constitute the board of public printing.

The comptroller's office is provided with a clerk, a clerk of wild lands, and an insurance clerk, whose aggregate salaries are \$4000.

In addition to the statistical report to the General Assembly, he must make quarterly and annual reports to the governor, showing all receipts and payments; taxes, paid and in default, of each county; debts due the State; the condition of the educational fund and public debt; the accounts of all disbursing agents; salaries of all public officers; and all other payments.

**77. The Attorney-General** is ranked by the Constitution under the judicial department, but he is more properly an executive officer. He is the legal adviser of the executive department. He draws up contracts and legal papers in which the State is interested. He represents the State in the supreme court in capital felonies, and in any court, in both civil and criminal cases, when required by the governor. He is provided with a clerk at \$1200.

**78. The State School Commissioner** is elected by the people for a term of two years. His duties, which in general are to direct and further the educational interests of the State, are considered in detail in the chapter on Public Education.

**79. The Commissioner of Agriculture.**—In 1874 the

General Assembly established a department of agriculture, whose powers and functions have been enlarged by subsequent statutes. It is directed by a commissioner, elected by the people for a term of two years. His salary is \$3000, with allowance for clerical assistance. He is given \$10,000 a year, exclusive of salaries, to defray expenses. The duties of the commissioner are to aid and develop the agricultural interests of the State; to collect and publish farm and crop statistics; to disseminate knowledge useful to farmers upon the culture of crops, the structure of soils, irrigation, dairy farming, the diseases of plants, destructive insects, and similar subjects. He is charged with the inspection of cattle, and their protection against contagious diseases. He is also charged with the protection and propagation of fish, and is given the appointment of a superintendent of fisheries, and of fish wardens.

A special department of horticulture and pomology was created in 1897 as a division of the department of agriculture, to promote the fruit and vegetable interests of the State. An important part of its work consists in preventing and checking the ravages of insect and fungus pests. For this purpose a State entomologist is appointed by the commissioner, at a salary of \$1500, with an allowance of \$3500 for expenses. The commissioner of agriculture and the presidents of State Agricultural and State Horticultural Societies are constituted a State Board of Entomology, with power to enact and enforce such regulations as they may deem necessary to prevent the introduction and spread of noxious insects and plant diseases.

The commissioner of agriculture is further charged with the inspection of commercial fertilizers and illuminating oils. For the former purpose he appoints a State chemist at a salary of \$3000, who is allowed two assistants at \$1000, together with a chief clerk of the fertilizer de-

partment at \$1800 and the necessary number of inspectors, who are paid \$83 a month. Oil inspectors are similarly appointed, the chief oil inspector receiving \$1200, the others in proportion to the fees they collect. All fees in excess of specified expenses are accounted for by the commissioner and turned into the treasury.

Annual and quarterly reports covering all the activities of the department must be made to the governor.

**80. Railroad Commissioners.**—To secure fairness and impartiality in the dealings of railroad corporations with the people of the State a commission was organized in 1879. In 1907 its power and jurisdiction were radically enlarged, and its authority extended over terminal stations and companies, docks and wharves, street railways, telegraphs and telephones, cotton compresses, gas companies and electric light and power companies. It now consists of five members, elected by the people. The term is six years, and at least one member is chosen at each biennial general election. The salary is \$2500, but the chairman, who is appointed by the board itself, for a two-year term, receives \$4000. The commissioners are provided with an office at the capital, a secretary at \$2000, a stenographer at \$1200, and are allowed a contingent expense fund of \$3000 and a printing fund of \$2000 a year. An attorney to the commission is appointed by the governor at a salary of \$2500, for a four-year term, but is removable at pleasure. Expert advice as to rates and charges may be employed at an extra cost not exceeding \$4000 a year. The aggregate provision for the commission thus amounts to \$28,700 a year.

The general purpose of the commission is to require public service corporations to establish and maintain such services, facilities and rates as are reasonable and just. The commissioners may act either on complaint of aggrieved



parties or on their own initiative; by general rules, or special orders. They are clothed with full power to inspect the books, papers and offices of the companies concerned, to examine witnesses, and to exact any desired information. They may prescribe uniform methods of keeping books and accounts. They are provided by suitable penalties with power to enforce their orders. They make semi-annual reports to the governor, and recommend such legislation in their sphere of activity as they deem advisable.

**81. Prison Commissioners.**—In 1897 the General Assembly inaugurated a new system of maintaining and caring for State convicts, which has been modified and extended by subsequent statutes. A prison commission of three members elected by the people for a term of six years, is charged with the management and control of convicts. One commissioner is chosen at each general election; the salary is \$2000, and they are provided with an office in the capitol, a clerk at \$1200, and an allowance for travelling and office expenses. They are constituted a board of pardons, to make recommendations to the governor on applications for executive clemency or on their own initiative.

Female convicts, boys under fifteen, and aged, infirm, or diseased convicts, are kept on prison farms located according to the judgment of the commission, where they are properly housed and cared for and provided with such work as they are able to perform.

Able-bodied male convicts are divided into two classes, the short-term, under sentence for five years or less, and the long-term, sentenced for more than five years. The short-term convicts are apportioned among the several counties of the State in proportion to population. Counties desiring to receive their quota for labor upon the coun-



ty roads or public works, make application to the commission in writing. These applications are filed, and the counties are furnished their quotas in order of application. No county may apply that does not work its own misdemeanor convicts on the public roads.

Long-term convicts, and any short-term convicts not applied for by the counties, are advertised to be leased to the highest bidder in groups of not less than twenty-five or more than fifty, though more than one bid may be made by the same applicant.

The maintenance of the convicts must be according to regulations laid down by the commission, who prescribe the variety and quality of their food, the character of their clothing, and such other details as insure their safe-keeping and proper care. Transportation, food, clothing, medicine and all charges except guards and physicians, must be borne by the county or lessee.

The revenue from the hire of convicts is divided among the counties that do not apply for, or do not receive, their quota of laborers. The division is in proportion to population, and the sum received must be applied either to the public schools or public roads, as determined by the grand jury of the county.

**82. Other Officers, Boards and Commissions** have been created at different times by the General Assembly, and discharged duties more or less administrative in their character. Their names usually indicate their purpose and function. Among the more important may be mentioned the commissioner of pensions; the State geologist; the State board of health; the boards of trustees of the State University, the Institute of Technology, the Industrial and Normal College, and other educational foundations; and the trustees of public charitable institutions,

such as the State Lunatic Asylum, the Blind Asylum, and the Asylum for the Deaf and Dumb.

**83. The Militia.**—The Constitution empowers the General Assembly to provide for the organization of the State militia, and to determine its membership. It has been accordingly decreed that all men between the ages of twenty-one and forty-five years, unless exempted by law, are subject to military duty whenever called upon by the State. These constitute the unorganized militia, in distinction to the volunteer forces, composed of men who enlist for training and active service.

In 1903 the Federal government adopted a measure to secure uniformity and promote the efficiency of the militia throughout the country, which provides a liberal annual appropriation for the equipment and training of the volunteer forces in those States which conform their military organization to the national plan, and authorize the President in certain contingencies to call their forces into the service of the United States. To secure the benefits of this Act, the General Assembly in 1907 reorganized the greater part of the active militia into a division designated the National Guard of Georgia, officered and organized in conformity with the practice of the regular United States army. The volunteer forces not included in the National Guard consist of the governor's staff, the naval militia, and the retired list. The governor is commander-in-chief, but appoints an adjutant-general who is his chief of staff, and practically the executive head in military affairs. The adjutant-general is the medium of communication between the governor and the officers of the volunteer forces, and the custodian of all military records of the State. The governor also appoints a quartermaster-general who has charge of all military property and stores. These two officers are stationed at the capital, and are the only

officers of the volunteer forces who draw salaries in time of peace. Various other members of the governor's staff with their respective duties are prescribed by law. About twenty-five thousand dollars a year is appropriated for the maintenance of the military organization.

In 1893 a naval militia was established by the General Assembly, and provision was made for several companies, constituting the Naval Militia of Georgia.

### THE JUDICIAL DEPARTMENT

**84. The Judicial Power** of the State is vested by the Constitution in a supreme court, a court of appeals, superior courts, county and city courts, courts of ordinary, justices of the peace, commissioned notaries public, and such other courts as may be established by the General Assembly.

**85. The Supreme Court.**—The highest judicial authority of the State is the supreme court. It consists of six judges—a chief justice and five associate justices—elected by the people for terms of six years, two being elected each alternate year. In case of a vacancy the governor appoints a judge to serve until the regularly chosen successor is qualified.

The supreme court has no original jurisdiction, nor power to hear facts or to examine witnesses. Its object is to decide cases appealed from the superior courts on writs of error, and to determine the points of law involved. It also decides all questions of constitutional construction sent up from the court of appeals. It thus plays an important part in the application and interpretation of the law; and its decisions become precedents for all similar cases. The justices may sit in a body or in two divisions of three each. A majority opinion constitutes the deci-



sion of the court, from which there is no appeal unless the case involves the Federal laws or Constitution, when it may be taken to one of the United States courts, and, by successive appeals, may even reach the supreme court at Washington. The Constitution requires that every case be disposed of at the first or second term after the writ of error is brought—a provision which tends to sacrifice deliberation to expedition.

The supreme court holds two terms each year, beginning on the first Mondays in October and March. The sessions are in Atlanta. The officers of the court, all appointed by the justices, are a clerk, a reporter and assistant, stenographers, a sheriff and deputies. The clerk keeps a record of the minutes and judicial proceedings of the court, arranges the docket, collects costs, and discharges various similar duties. His term is six years and his salary \$4000. The reporter abstracts and arranges for publication the decisions of the court. The assistant has the same duties. They receive \$2000 each. The three stenographers are paid \$1500 each. The sheriff preserves order and executes the commands and processes of the court. He is paid \$1000 and fees. The salary of the justices is \$4000 each. No one is eligible to the office unless he has practised law for seven years, is thirty years of age, and has lived in the State for three years.

**86. The Court of Appeals.**—In 1906 a court of appeals was established to relieve the pressure of work in the supreme court. It has three judges, elected as the supreme court justices, and with the same term, qualifications and salary. The judges appoint a clerk, sheriff, and stenographers, with the duties and pay of the same officers of the supreme court; the reporters of the supreme court act as reporters of the court of appeals.

Its jurisdiction includes the trial and correction of er-



rors from the city courts, and from the superior courts in all cases in which jurisdiction is not conferred by the constitution on the supreme court. If, however, any question arises involving the construction of the constitution of the State or of the United States, it must be referred to the supreme court for decision.

**87. The Superior Courts.**—The State is divided into twenty-five judicial circuits, composed of from one to ten counties each. In every circuit there is a superior court judge, elected by the people for a term of four years. About half of these judges are chosen every second (even) year. Their terms begin on January 1st after election. Each receives a salary of \$3000. A superior court judge has a jurisdiction extending over the State, and may hold sessions in any circuit.

The superior courts have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or imprisonment in the penitentiary; in cases respecting titles to land; and in equity cases. They have general jurisdiction in all civil cases and appellate jurisdiction from lower courts. They grant all charters of incorporation, except those issued by the secretary of state. The court must sit at least twice a year in each county at times prescribed by the General Assembly. The qualifications of judges are the same as those of justices of the supreme court.

There is a superior court clerk in each county of the circuit. He is essentially a local officer and his duties will be considered elsewhere. A receiver is a person specially appointed by a superior court judge to take charge of property in litigation. He is considered an officer of the court and is subject to its orders.

**88. The Solicitor-General.**—In each judicial circuit an attorney represents the interests of the State. He

is called the solicitor-general and is chosen in the same way and for the same term as the judge. His duties require him to be present at all sessions of the superior court; to attend the grand jury, giving it legal advice, administering necessary oaths, and examining witnesses before it; to draw up indictments for the grand jury; to prosecute all indictable offences; and to prosecute or defend any civil action in which the State is interested. He attends before the higher courts any criminal case appealed from his circuit. He collects certain moneys arising from fines, costs, forfeited recognizances and other claims of the State and turns them over to the proper authorities. The qualifications of the office are residence in the circuit, three years' citizenship, three years' law practice, and twenty-five years of age. The pay is \$250 a year and fees.

## CHAPTER IV

### THE COUNTY AND THE MILITIA DISTRICT

#### THE COUNTY

**89. County and Township.**—Of all our institutions those closest to the people are the most deeply rooted in the past. Each commonplace and familiar officer—the sheriff, justice of the peace, constable, coroner—is the legacy of a long and interesting historical development. When our ancestors first settled in America they reproduced most of the forms of local government which their English life and traditions had made familiar. All were more or less modified in the passage across sea, and different forms took root in different colonies; but in one place or another the county, manor, parish, township and hundred were introduced. Eventually, however, all passed out of use except the county and township.<sup>1</sup> The township prevailed in its most vigorous form in New England. There the rigorous climate, hostile Indians, and the religious organization of the colonists combined to produce small, compact settlements, where each lived within easy reach of the others for mutual protection and assistance. The congregation of each church practically constituted the members of the township, the limits of which were determined by the extent of a convenient walk to church. All townsmen took part in the town meeting, which dealt

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<sup>1</sup> Delaware still has “hundreds,” and Louisiana “parishes,” but they are practically counties.

with matters of local government and taxation, and elected officers who carried out its decrees. The township thus constituted the unit of political life, and the county, formed of an aggregate of townships, had but little activity in local administration.

In the Southern States opposite conditions prevailed. The mild climate and numerous broad waterways led to widely scattered settlement. Large plantations covered wide stretches of country. The majority of the people were comparatively isolated in their manner of living, and the conditions were unsuited to township government. The political unit therefore became the county, covering a considerable area, with a government concentrated in the hands of officers and judges appointed by the colonial governor, in marked contrast to the self-governing primary assemblies of New England. In the Middle States a mixed system grew up, with townships less active than those of New England, and counties exercising fewer functions than those in the South. The form prevailing in the original colonies generally spread to the regions west of them as population advanced and new territory was settled.

In recent years some of the Southern States have shown a tendency to introduce a modified form of the township, chiefly in connection with the organization of the school districts.

**90. County Organization.**—The State of Georgia is divided into one hundred and forty-six counties. Each has an organized government, with powers derived from the State government, to which it is subordinate. These powers are mainly administrative and judicial; but little law-making power is vested in county authorities. The controlling power of the State can be exercised only in the enforcement before the courts of general laws and



charters; no central administrative officer has power to interfere in county affairs.

Without constitutional amendment, no new county can be created; but any county may be dissolved and merged into the contiguous counties by a two-thirds vote of its electors. County lines may be altered under the provisions of a general law. Each county is endowed with corporate capacity to sue and be sued; to hold property; and to make contracts. Its debt, however, may not exceed seven per cent. of the assessed valuation of its taxable property. All county officers and tribunals must be uniform throughout the State, except the boards of county commissioners. County officers are elected by the voters of the county for terms of two years, and to be eligible must have two years' residence in the county. Every county is divided according to territory and population into militia districts, each of which must contain men enough to form one company, with a minimum force of forty, including officers.

**91. The County-Seat** is the place where the courthouse, jail, and offices of the county authorities are situated. It is usually the most important town or village in the county; but sometimes a less prominent central site is chosen for convenience. The county-seat may be changed by the General Assembly at the desire of two-thirds of the voters as shown in a special election.

**92. The Ordinary.**—The most important and interesting officer of the county is the ordinary. He is charged with a great multiplicity of duties. His functions are primarily judicial. The court of ordinary has inherited much of the jurisdiction and procedure of its ecclesiastical prototype in England. The court's jurisdiction is exclusive in all matters concerning the probate of wills; the granting of letters testamentary and of administra-

tion; executorship; guardianship; and commissions of lunacy. The court is held monthly at the county-seat, beginning on the first Monday of each month.

The ordinary is further, by virtue of his office, clerk of his own court; though he may at his own expense appoint one or more clerks, for whom he is responsible. As clerk the ordinary must give bond for the faithful discharge of the following duties: The issuance of legal papers and processes of the court of ordinary; granting marriage licenses; recording homestead exemptions; keeping records of wills, of letters of administration and guardianship, of the annual returns of guardians, executors, and administrators; and, in general, the preservation of all documents and records connected with the duties and jurisdiction of the ordinary.

The constant presence of the ordinary at the county-seat, charged with the custody of important records, made him a convenient and responsible person to whom the control of various county matters might be committed. These accumulated and gradually became an important part of his duty. He is now the chief administrative officer. The ordinary sitting for county affairs has general direction and control of all the property of the county. He levies all general and special county taxes. He has power to establish, alter or abolish all county roads, bridges and ferries; to establish and change election precincts and militia districts; and to appoint to vacancies in county offices. He examines and audits the accounts of officers holding or disbursing county money; settles claims against the county; regulates and licenses peddling; and provides for the relief of the poor, the maintenance of the county police, and county sanitation. He is charged with certain other miscellaneous duties, such as the approval of the bonds of county officers; the appointment of persons to

discharge trusts authorized by his powers; and the pensioning of Confederate veterans. The ordinary is elected by the qualified voters of the county at alternate county elections. His term of office is four years, beginning January 1st after election.

**93. County Commissioners.**—The General Assembly may create, in any county desiring it, an executive board to exercise the administrative powers of the ordinary. The number of members, powers, term of office, mode of election, pay and other details differ in various counties, and are fixed by the special act creating the board. The members are called commissioners of roads and revenues. In such counties the ordinary discharges only the duties of judge and clerk of the court of ordinary and such administrative functions as have not been conferred upon the commissioners.

**94. The County Court** is a court of record having jurisdiction in all civil cases not expressly reserved for the superior court where the sum claimed does not exceed five hundred dollars, and in all criminal cases not involving punishment by death or the penitentiary. The judge is appointed for a term of four years by the governor with the advice of the Senate. His salary is fixed by the grand jury and cannot be changed during his term of office. He is clerk of his own court, but may at his own expense appoint a deputy clerk. Monthly sessions are held at the county court-house for minor cases, and quarterly sessions for those of more importance. There is no jury in civil cases, and in criminal cases only when demanded by the accused. Appeals lie to the superior court. A bailiff may be appointed by the judge.

The solicitor of the county court is appointed, like the judge, for four years. He is the prosecuting officer of the county, and defends it when sued.



**95. City Courts** have been created in a number of counties in place of county courts. The main difference is an enlarged jurisdiction, extending to much greater sums. Appeals lie, not to the superior, but direct to the court of appeals. Judges and solicitors are appointed as in county courts. Variations in detail are made by the special acts of the General Assembly creating these courts.

**96. The Superior Court Clerk** is an important county officer chosen at the regular county elections for a two years' term. He is commissioned by the governor, and must give bond for \$3000; his office is at the court-house of the county-seat. He attends all sessions of the superior court held in his county; keeps minutes of its proceedings; issues and signs the various writs and orders of the court; records decisions; and keeps dockets of the different classes of cases before the court. One of his most important duties is to keep all records of transfers of real estate and of personal property. He must preserve all records and documents of the court and keep them accessible to public inspection.

**97. The Sheriff.**—The sheriff in the days before the Norman conquest was the representative of royal authority in the English shire. Under the administrative system of the Norman kings he became the chief executive officer of the county, and wielded great power. This was first curtailed by Henry II., and was gradually lessened by successive diminutions until only the shadow was left. The office is now in England merely a formal and ceremonious distinction, annually conferred as a compliment upon one of the prominent and propertied men of each county.

In the United States the sheriff is practically the ministerial officer of the county, executing the processes and orders of the courts. In Georgia he is elected for a term of two years. He must attend all sessions of the superior



and county (or city) courts, and, when required, of the court of ordinary, and carry out their processes. He has charge of all elections in the county, and must be present in person or by deputy from the opening to the closing of the polls. He levies upon and offers at public sale the property of delinquent tax-payers and others under process of court. He is jailer of the county and is charged with the custody and maintenance of prisoners, and with the execution of capital sentences. He is keeper of the peace of the county, and in case of necessity may call upon the citizens to aid him as a *posse comitatus*. As his duties require him to handle considerable sums of public money, he must give heavy bond. He may appoint deputies and jailers to assist him, but he is responsible for their conduct. He is paid by fees, fixed by law, for his various services. He must keep books recording his official acts and must make an annual report to the grand jury at the first term of the superior court in each year.

**98. The Coroner.**—In 1194 a statute of Richard I. forbade sheriffs to act as justices, and instituted coroners to hold pleas of the crown in their place. Edward I. required the coroner to hold inquests in case of sudden death. His power to hear cases of felony was abolished by Magna Charta, and he gradually lost all other duties except that of taking inquisitions of death.

The inquest is held with the assistance of a “coroner’s jury” of six electors, over the body of any person who has died under suspicious circumstances, or by violence, casualty, or in prison, without an attending physician. Should the jury find any person guilty of homicide, the coroner commits him to prison to await trial or requires bail. When the sheriff is absent or disqualified, the coroner acts as sheriff in his place.

**99. The County Treasurer** is elected for a term of two

years by the qualified voters of the county, and must give bond for double the estimated amount of funds in the treasury for the ensuing year. He receives all money paid into the county treasury, and pays it out only upon warrants issued by the ordinary or county commissioners. At the first session of the superior court in each year he must make a full statement of the condition of the treasury to the grand jury. On the second Monday in January he must file with the ordinary an annual statement accompanied by vouchers, together with an estimate of debt and resources for the following year. His books must at all times be open to the inspection of the ordinary.

**100. A Tax-Receiver** is similarly elected. It is his duty to visit at stated times each militia district in the county and receive from each tax-payer a statement on oath of the kind and amount of his taxable property. From these returns three digests, including lists of defaulters, are made out, for the use of the comptroller-general ordinary, and tax-collector respectively. He must assess upon the ordinary's digest the county tax, according to the rate levied by the ordinary. He is further charged with the duty of collecting from the tax-payers statistics concerning the acreage planted, crops grown, products of manufactories, and similar evidences of the resources of the State. He also registers the number of children of school age.

**101. The Tax-Collector** collects from each tax-payer the amounts due as taxes to the State and county, as shown by the digest of the receiver. It is his duty to search out and ascertain as far as possible all polls, professions and property taxable but not found in the digest, and to assess and collect thereon a double tax. He must issue executions against defaulters and insolvents, and place them with the proper officer for collection. He

must give adequate bond and is paid by commissions which he deducts from his receipts. He also deducts and pays over the commissions due the tax-receiver. In accordance with the general registration law of 1894, he registers and preserves registration lists of all qualified voters.

**102. A County Surveyor** is elected with the other county officers. He surveys county and district lines and makes any other surveys in which the county or State is interested, when required to do so by the ordinary or comptroller-general. He executes all surveys required by any rule of the courts; he prepares maps for the county; preserves records and plats of his surveys, and is frequently called upon to decide the justice of disputed claims. He receives stated fees for his work and must give bond for \$1,000.

**103. Jury Commissioners.**—The important duty of selecting jurors is entrusted to a board of six persons appointed for six-year terms by the judge of the superior court, two appointments being made each alternate year. The commissioners meet in August of every second year to revise the jury lists, the superior court clerk acting as clerk of the board. They are paid two dollars for each day's service, and the clerk three.

They select from the books of the tax-receiver "upright and intelligent men" to serve as jurors. These must be between the ages of twenty-one and sixty years, and not exempt by law from jury duty on account of occupation or infirmity; clergymen, lawyers, teachers, physicians and other classes are exempt. The name of each man selected is written on a separate ticket. A sufficient number is chosen of the most experienced and intelligent men on the list, who are to serve as grand jurors. The tickets containing their names are placed in a box with two compartments; and the names of all the jurors in a similar box.



The judge of the superior court at the close of each term opens the grand jury box and draws from the first compartment between eighteen and thirty names from which the grand jury of the next term of court is impanelled. These are then placed in the second compartment and are not liable to be drawn again until the whole list is exhausted. In the same way the judge draws from the second box thirty-six names to serve as petit jurors, returning to the box the name of any person already drawn to serve as grand juror.

**104. The Grand Jury.**—A summons is served by the sheriff upon the persons whose names have been drawn as grand jurors at least ten days prior to the term of court. The jury must consist of not less than eighteen nor more than twenty-three men. A foreman is selected by ballot at the first meeting. The grand jury is charged with a general oversight or inspection of county affairs. They are required on oath to indict or present for trial all persons whom, on their own knowledge or from evidence brought before them they believe to be guilty of violation of the law. They have power to summon witnesses and examine them on oath. Charges and evidence are generally submitted to them by the solicitor-general. If twelve of the jury agree that the evidence in any case is sufficient to justify a trial they write on the back of the indictment "A true bill," and the accused is then tried in court unless the solicitor enters a *nolle prosequi*.

But the grand jury has also important duties connected with the county administration. It is charged with the inspection and examination of the books, accounts, records and offices of the ordinary, superior court clerk, treasurer and other county officers; it examines and corrects the digest of the tax receiver, and the list of registered voters; it looks into the condition and management of the county



roads, buildings, jails and school-houses; and exercises a general supervision of the interests of the county. For this purpose the jurors at their first meeting usually divide themselves into a number of committees, each charged with a special part of the work. The result of their investigation is summed up in their general presentment on county affairs. The grand jury exercises directly certain administrative duties; it advises the ordinary in fixing the amount of the county tax; it determines the salary of the county court judge, and the pay of all jurors and bailiffs; it appoints the county board of education; and its initiative or approval is necessary in carrying out certain changes in local government.

**105. Road Commissioners.**—For the opening and maintenance of the public roads each county is divided by the ordinary into a number of road districts, in such a manner as to make the burden upon the residents of each district as nearly equal as possible. In each district three road commissioners are appointed by the ordinary to serve for two years. The appointment cannot be declined without special excuse; the commissioners receive no pay, but are exempt from jury, militia and other road duty.

The commissioners appoint overseers to superintend the work on the roads. Lists are kept of all persons liable, and after every period of road-working, the commissioners are required to hold a court for the purpose of trying those who have refused or neglected to perform their allotted tasks. They are given power to fine or imprison defaulters. Annual reports as to the condition of the roads are to be made to the ordinary.

Four systems of maintaining the roads are in operation in the various counties under provisions of different statutes:

1. By the old law, some of whose clauses have been in

effect since 1799, all males between the ages of sixteen and fifty except ministers of the gospel, cripples, and employees of certain State institutions, are required to work on the roads, as summoned and directed by the overseers, for not more than fifteen days in the year, nor more than five days at one time. This system is antiquated and unwise; the labor is forced, inefficient, and unskilfully directed, resulting in bad roads maintained at great expense.

2. By an alternate law of 1891, which may be adopted by any county on recommendation of the grand jury, road work is required of the same persons, but for not more than ten days in the year, and any person may pay in lieu of the work a commutation tax of fifty cents for each day's work required. In addition, the county authorities levy a road tax of not more than twenty cents on each hundred dollars worth of taxable property, and use the proceeds, together with the commutation tax, for employing hired labor. They may also work a county chain-gang of misdemeanor convicts, and the county's quota of State convicts.

3. Under an Act of 1896 any county whose voters so decide at a special election may adopt a third system. All males between twenty-one and fifty who are not physically or mentally disabled are liable to road duty for not more than four days in the year, but may pay instead a commutation tax of three dollars, or such amount as the road authorities shall fix as equivalent to four days' labor. The proceeds of this tax and of a special county road tax of not less than ten or more than twenty-five cents on each hundred dollars of taxable property, are to be applied by the county authorities to the improvement of the public roads as they may deem best.

4. An Act of 1898 provides that any county whose citizens have elected the 1896 plan, may on recommendation

of the grand jury substitute the following modification: All males not physically or mentally disabled are liable to road duty for not more than four days in each year, but may pay instead a commutation tax of one dollar for each day required of them. The road overseers in each district, who receive under this law \$1.50 for each day of actual service, summon such number of persons liable as can be worked to best advantage. As those first summoned work out their time or pay the commutation tax (which the overseer collects and receipts for), others are summoned, until all the roads of the district have been put in good order, or the hands liable exhausted. In the latter case the overseer continues the work with hired hands. A county road tax of not less than ten or more than twenty cents on each hundred dollars of taxable property is to be levied by the ordinary and collected and paid over to the county treasurer with the other county taxes. The ordinary and one road commissioner from each district (elected by his fellow commissioners each year), constitute a board of roads and revenues, which divides the proceeds of said tax among the several districts in proportion to the length and character of the roads in each. The road commissioners of each district then apply the tax, together with the commutation tax of their district, to the improvement of the roads as they deem best.

**106. Commissioner of the Poor.**—The general supervision of paupers is vested in the ordinary, who has power to raise taxes and make provision for their relief or maintenance. He may however appoint a commissioner of the poor to receive and disburse money devoted to this service, to hear applications from paupers, to supervise the poor-house, should the county have one, and discharge similar duties.



## THE MILITIA DISTRICT

**107. The Militia District** is a subdivision of the county chiefly for election purposes and for military organization. The power to establish and change these districts is vested in the ordinary. Each district must contain men enough to form one company. Not more than one election precinct can be formed in each district.

**108. The Justice of the Peace.**—The lowest court of the judicial system of all the States is historically one of the most interesting and venerable. In 1195, a statute of Richard the Lion-hearted provided for the appointment of certain knights in each shire to see that all men should take oath to keep the peace and to raise the “hue and cry” in pursuit of malefactors. In place of these knights, officers called Conservators of the Peace (*custodes pacis*) were created in 1253 and 1264. Edward III. added the power of trying felonies, and gave them the title of Justices of the Peace. The office became a most important one, and has played a conspicuous part in English local government. From this source the title and functions of the humbler American justice are derived.

In Georgia there is one justice of the peace in every militia district, elected by the voters of the district for a term of four years. There also may be, and there generally is, in each district a commissioned notary public,<sup>1</sup> appointed by the judge of the superior court, upon recommendation of the grand jury, and commissioned by the governor for four years, who is *ex officio* justice of the peace. There are thus practically two justices for every

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<sup>1</sup> These officers must not be confused with commercial notaries public, any number of which may be appointed by the circuit judge, and who witness and seal papers, administer oaths and exercise the usual notarial powers.



militia district. The justice must hold his court monthly at some central and convenient place in the district. His civil jurisdiction includes all cases arising from contract and cases of injury or damage to personal property, where the principal sum claimed does not exceed one hundred dollars. In criminal matters he acts as conservator of the public peace, issuing warrants for the arrest of any person charged on oath with violation of the penal code, examining him and committing, bailing, or discharging him. The justice of the peace has no power to fine or to imprison as a penalty except for contempt.

**109. The Constable** also holds an office of remote origin. There are two constables in each militia district, elected as the justices, but for two-year terms. They are required to attend the sessions of the justice's court, and, when summoned by the sheriff, those of the superior court. They arrest persons accused of offences against the law, and execute all warrants, summonses and processes ordered by the court.

**110. Observations upon the Character of State and Local Government.**—It is most interesting and instructive to analyze and compare the parts played by the various organizations and officers of central and local authority in the government of the State. We have seen how important and comprehensive are the powers reserved by the State as compared with those delegated to the Federal government. Nearly everything that concerns the daily life of the citizen falls within their scope. But by whom, by which of the constituted authorities of the State is this vast power wielded?

By the Executive? The governor is called the chief executive of the State, but on examination his administrative powers shrink to comparative insignificance. The State officers, whom he does not appoint or control, are

given by law large independent spheres of action. They are co-ordinated with him, not responsible to him. They, as well as he, are controlled by laws minutely directing their official duties. Nor can the governor and State officers taken together be considered the real controlling power in the execution of the laws. They have little discretionary power. As far as possible their every administrative act is marked out by statute: numerous local officers, with whose selection they have nothing to do, and who are not responsible to them, perform the bulk of the executive work of the State. From an administrative point of view the county is the most vital part of the system. The central authorities have little more than formal superintendence. The "executive power" is in reality diffused throughout the local organs of government.

Since, then, the acts of all executive officers are controlled and directed by statute, may not the General Assembly be said to wield the sovereign authority of the State? This indeed would be nearer the truth. The central authority counts for much in legislation. There is no local body with real law-making power; so the General Assembly would seem to possess all legislative authority not expressly granted to Congress. Yet we find it hedged in on every side by restrictions and limitations imposed by the Constitution of the State. These restrictions are numerous and of various classes. They prohibit laws granting special political privileges, as immunities, titles, and hereditary honors; and laws abridging any of the liberties set forth in the bill of rights.<sup>1</sup> They limit the time and length of session, and regulate the procedure of the legislature; fixing the method of voting, of introducing and passing bills, and many other details. They

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<sup>1</sup> See *Art. I.*

forbid increasing the State debt, or authorizing local debts beyond a certain point; impairing the obligation of contracts; permitting lotteries and various measures contrary to public policy. Even the domain of ordinary law-making is invaded, and the legislature bridled in its action as to private debt, homestead exemptions, the granting of charters of incorporation, and many other matters. Clearly the General Assembly is not a sovereign body. The State's sovereignty rests only with the power that can make and change the Constitution—with the people.

Summing up, then, the results of our inquiry we see that:

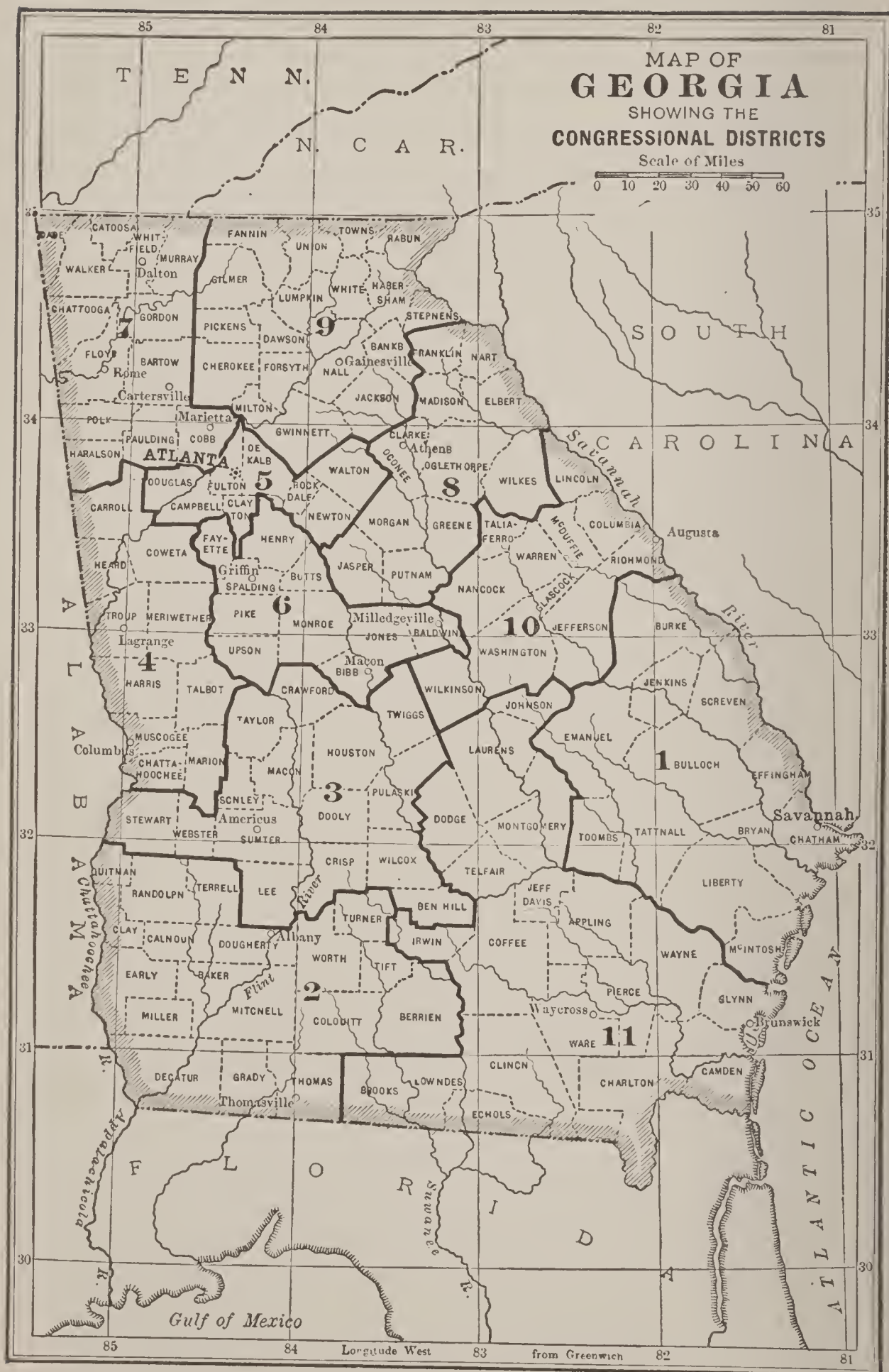
1. The People constitute the only sovereign authority of the State.

2. Legislation is central and uniform in application.

3. Administration is diffused and local. Local officers have large freedom and scope of action. They do not serve the central authorities, and can be controlled only by the enforcement of general laws in the courts of the State.







## CHAPTER V

### MUNICIPAL GOVERNMENT

**111. Municipal Corporations.**—County government under the organization described in the last chapter would be insufficient for the needs of a community in which a considerable number of people live together within a small area. There special problems arise, concerning the preservation of order, the maintenance of health, the opening and repair of streets and sidewalks, the supply of water, protection from fire, and many other matters which can be properly managed only by those who are immediately concerned. The difficulty of administration increases rapidly as the number of residents becomes greater. Special local governments are therefore created, to which the State delegates a share of its power. These are municipal corporations. Their powers are much larger than those of the counties, and increase in proportion to the number of their inhabitants.

**112. The Village or Town and the City in Georgia.**—In some States municipal corporations are classified according to population into hamlets, villages, towns or boroughs, and cities, and the form of government of each class is determined by general law. In Georgia the terms are very loosely applied, and no line is legally drawn between them. The terms village and town are used almost synonymously, although the former is not often employed; very small communities are frequently classed as cities.

## THE TOWN

**113. The Town or Village.**—In 1872 a general law was enacted providing for the incorporation of towns. This made a vague legal distinction between town and city, as the incorporation of cities was reserved for special act of the legislature. By the law of 1872 any community containing twenty-five electors may petition the superior court for incorporation as a town, provided it be situated at least a mile from any existing town. An election is thereupon ordered, and if carried in favor of incorporation a charter is duly granted by the court, and arrangements are made for the election of town officers.

**114. The Town Government.**—These officers are a mayor, a recorder and five councilmen, who together form the common council of the town, in which the corporate powers are vested. The council is the legislative body of the town, making all ordinances proper for its government, providing for the assessment of property and the levying of taxes. The mayor is the chief executive authority with power to enforce the ordinances of the council, and punish those who violate them. He is *ex officio* justice of the peace. A marshal, treasurer and other officials may be appointed by the council.

**115. Failure of the Municipal Corporations Act.**—For some reason very few towns were ever incorporated under the act of 1872, and it is now practically obsolete. Subsequent amendments confused its provisions, and certain parts of it were declared unconstitutional by the supreme court. On account of these or other considerations, most applications for incorporation have been made direct to the General Assembly, which continued to grant town charters. This has resulted in a considerable lack of uniformity, as the number of town officers, their qualifica-



tions and term of office, the extent of the powers of the mayor and of the council, and many other matters are fixed by the special act of incorporation. There is now usually no "recorder" as provided in the Act of 1872; and the council appoints a clerk who is generally also treasurer. Small towns are provided with simple governments of limited powers. The government is extended in complexity and function as the population of a town increases, by new acts of the legislature, either amending the old charter or granting a new one.

The General Assembly of Georgia in this respect possesses much larger powers than those of many other States, whose Constitutions prohibit such special legislation.

## THE CITY

**116. The City.**—Many of the observations made in regard to towns apply equally to cities. There is no legal distinction or classification based on population. The General Assembly has provided for the government of each by a special act granting a charter, which it has power to alter as occasion requires. The diversity in the form and details of our city governments is much greater than in the case of towns. The smaller cities differ but little from the larger towns; while the greater ones are more complex in government than the State itself.

**117. The City Government.**—Mr. Bryce observes that the general form of city government is a copy of that of the State. The charter corresponds to the State Constitution; the mayor to the governor; the various city officials and boards to the State executive officials; the council to the General Assembly, and the city courts to the judiciary.

The functions of city government, as Bryce further



points out, may be distributed into three groups—(a) those which are delegated by the State out of its general administrative powers, such as the police power, taxation and the granting of licenses, and the execution of certain protective laws; (b) those which though done under general laws are properly local matters and subject to local regulations, such as education and the care of the poor; and (c) those of a purely business order, such as paving and cleaning the streets, drainage and sanitation, the provision of water and light. The city is a political entity so far as the first and second groups are concerned; and in respect to the third it may be considered a business corporation in which the tax-payers are shareholders, doing by public agency things which each might do for himself at greater cost and trouble.

**118. City Officers.**—The diversity in the number and duties of city officers renders a discussion of details undesirable. A copy of the city charter can usually be obtained from the city clerk, and may be made the basis of an interesting and profitable local study. In the larger cities the mayor is left free for his executive duties by the appointment of a recorder or police court, to discharge his judicial functions and to punish the violation of city ordinances. A city attorney is usually chosen by the council to look after the legal interests of the municipality. The council or board of aldermen in Georgia consists of one chamber, composed of representatives elected from the various wards into which the city is divided. Its powers vary in extent according to the size of the city. The clerk is sometimes elective, sometimes appointed by the council. Most of the other officers are appointed by the council, and render services indicated by their titles; as treasurer, tax-receiver, tax-collector, street commissioner, sanitary inspector, marshal or chief of police and superin-

tendent of education. Various boards or commissions are created to assist in the work of administration, such as the board of health, of education, of public works, tax-assessors, park commissioners, police commissioners and others.

**119. Municipal Finances.**—The revenues from which the expenses of municipal government are defrayed arise chiefly from a general uniform tax on real and personal property, and from licenses imposed upon various occupations and business pursuits. Both of these powers are limited by State laws and generally also by provisions of the municipal charter; but a considerable degree of liberty remains. The taxing power is an extremely important one, and upon its proper use the prosperity of the community very largely depends. As the population of a city increases the expenses of administration increase far more rapidly, and it is often a difficult problem to obtain a sufficient income. Unwise taxes are then frequently imposed which tend to blight the city's growth, and drive capital and business enterprise to other places. Two important lessons have been taught by the experience of cities in this country and abroad; the first is, *never tax, or tax very lightly, property and industries that can be driven away.* The second is, *exact full payment in return for public franchises.* The most important public franchises are the special rights to make use of the streets, granted to gas, electric light and telephone companies, street railways and similar enterprises. These franchises confer privileges of a monopolistic nature, and in large cities become extremely valuable. They can properly be made to bear a considerable part of the public burden. Some authorities advocate the sale of such franchises to the highest bidder, for terms of say twenty-five years. In this way the people would reap the full benefit of the city's growth.

Debts may be contracted by cities, but under the State Constitution they must not exceed seven per cent. of the assessed value of taxable property. Except in the case of small debts to tide over temporary deficits in revenue, no debt can be contracted without the approval of two-thirds of the qualified voters, as expressed at a special election after due notice. Provision must then be made for the extinction of the debt, principal and interest, within a period of thirty years.

## CHAPTER VI

### ELECTIONS

**120. The Choice of Officers.**—The success and prosperity of the Commonwealth depend in a peculiar degree upon the selection of upright, capable and patriotic men to fill public office. Almost the only way in which the citizen can actually take part in the government is by influencing this selection by the ballot. It is of great importance, therefore, that everyone should understand thoroughly the method by which so high a privilege and duty is exercised.

**121. Registration.**—Every male citizen of the United States twenty-one years of age who has resided one year in the State and six months in the county in which he offers to vote, and possesses certain qualifications specified by the Constitution,<sup>1</sup> is an elector, and has the right to vote on complying with certain conditions. No idiot or insane person, however, or person convicted of crime against the State, is allowed to vote.

Under the general registration law of 1894, every elector who wishes to exercise his right, must subscribe his name, in a "voter's book" kept by the county tax-collector, to an oath, stating his age, occupation, residence and the fact that he has paid all required taxes. These voters' books are kept open at the collector's office at all times of collecting taxes, and for a period of thirty days beginning

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<sup>1</sup> See *Art. II., Sects. I. and II.* Section I. is an amendment of 1908, popularly known as the "disfranchisement law."



fifty days before the time of election. The collector must allow no one to register whom he believes to be disqualified. Copies of this list are forwarded to the county "Registrars," a bi-partisan board of three men appointed for a two-years' term by the judge of the superior court. Lists of disqualified voters are prepared by the tax-collector, ordinary, and superior court clerk, on the best evidence they can obtain, and filed with the registrars. When the lists are all in, and fifteen days before the election, the registrars carefully examine, compare and correct them, and make from them a list of "registered voters" in alphabetical order of names and by militia districts and city wards, distinguishing between white and colored voters and stating age, occupation and residence. The managers of each voting precinct are provided with the proper list of registered voters on the day of election, and no person whose name does not appear is allowed to vote.

**122. Election Days.**—Presidential electors and members of Congress are by Federal law voted for on the Tuesday after the first Monday in November. The elections always occur in even years. The general State election for governor and State officers, senators and representatives takes place on the first Wednesday in October of every even year. County elections for ordinaries, superior court clerks, sheriffs, coroners, tax-receivers and collectors, county surveyors and other county officers, occur on the first Wednesday in October, even years. In the militia districts justices of the peace and constables are elected on the first Saturday in December, even years.

**123. Political Parties** have come to exercise an all-important influence upon the conduct of government and the choice of officers. From the beginning of our national history opinions have differed widely as to the interpretation of the Constitution and other questions of public

policy. Men holding similar views naturally combined to secure the election of officers who would carry them into effect. Gradually there developed great national parties, strongly and permanently organized to contest for the control of government. National party conventions are held every four years on the eve of presidential elections, which formulate the party "platform" and nominate the party candidates. Permanent national and Congressional committees take charge of party interests and arrange for the management of campaigns.

This party organization has extended everywhere into State, county, and even municipal politics. It greatly facilitates the conduct of elections and produces greater care and economy in the administration of government, as the party in power is constantly watched and criticised by its opponents.

**124. Party Organization in Georgia.**—A description of the Democratic organization will give the best idea of State party politics. A State convention is called every two years just before the general election, by the State executive committee holding over from the preceding convention. Each county is entitled to twice as many votes in the convention as it has members in the House of Representatives. A much larger delegation is usually sent, a majority casting the votes of the county. The convention adopts a party platform, nominates candidates for State offices or ratifies primary nominations, and appoints an executive committee, consisting of one member from each county, to look after party interests in the State for the next two years. It also appoints delegates to attend the national party convention, if one is to take place.

In each congressional district and in each State senatorial district similar conventions of county delegates are held for the nomination of candidates.

A county convention meets every two years and appoints a county executive committee and chairman. This convention is a mass meeting called by the existing executive committee, which usually consists of two members from each voting precinct in the county. Delegates are chosen to higher conventions, sometimes directly, sometimes by subsequent primaries. In towns and cities similar conventions are called and committees appointed to manage the contest for municipal offices.

**125. The Nomination.**—The elector can of course vote for any qualified person at the polls. The nomination is made to concentrate the vote of the party and ensure success. Nominations are usually made in “primary elections.” The primary is an election or a “caucus” held by a party to decide upon its candidates for nomination. In the regular election the voter is practically limited to a choice between two or more nominees proposed by previous party action. If he disapproves of these he must either vote against his better judgment or throw away his ballot by bestowing it upon some one who has no chance of success. It is in the primary election that his influence will have most weight. In Georgia the practical supremacy of the Democratic party has made the primary of more importance than the actual election, which is often purely formal and perfunctory.

**126. The Election.**—In all but municipal elections notice is given by the ordinary, who is furnished with the necessary blank forms by the governor; these he distributes to the justices of the peace of the county at least ten days before the time of voting. The election must be held by three freeholders, duly sworn; if possible, one must be an ordinary or justice of the peace. The sheriff or a deputy is present to preserve order. The vote is by ballot. Three lists of voters, numbered in the order of voting, and three



tally sheets are kept by the superintendents. As each ballot is received the number of the voter is marked on it, and it is deposited in a ballot-box. If any voter is challenged, the fact is noted on the ballot and on the lists. The polls are open from 7 A. M. to 6 P. M. at the county court-house, and from 8 A. M. to 3 P. M. at the precincts.

**127. The Result.**—The superintendents count the ballots and make a certificate of the number of votes each candidate has received. This certificate, with the lists, tally sheets and ballots, under seal, are sent to the county seat for consolidation before 12 o'clock of the day following the election. The votes are consolidated by the superintendents at the county seat, who make out two certificates stating the number of votes each person has received. One, together with one list of voters and tally sheet from each place of election, is mailed to the governor; the other is filed with the superior court clerk. The ballots, still under seal, are kept for sixty days, or until after the next term of the superior court, and if there be no contest, destroyed unopened. The grand jury examines the lists, and indicts any illegal voter. Commissions are delivered by the governor to the successful candidates, who enter upon office when the terms of their predecessors have expired, and they have formally taken the oath of office prescribed by law.

**128. The Australian System.**—The method of conducting elections just described is antiquated and open to the objection that the voter may be bribed, watched and intimidated, and imposed upon by deceptive ballots. The most enlightened men of the State are urging the adoption of the Australian system, which under different modifications has been successfully introduced in many States. Its main features are: State control of election machinery; secret voting; uniform official ballots contain-



ing the names of all candidates; official equality of nominations made either by parties or by papers signed by a given number of citizens. The Australian system has a salutary influence in checking corruption and in lessening the power of political "bosses."

In recent years modified forms of the Australian ballot, especially in regard to secret voting, have been frequently enforced in Georgia by direction of the county conventions.

## CHAPTER VII

### PUBLIC EDUCATION

**129. The Establishment of Public Schools.**—No general system of public education existed in Georgia prior to 1871. The “poor schools” of the *ante-bellum* period were based upon a different principle. A scheme of public instruction was advocated as early as 1845, and renewed efforts were made in 1856 and in 1858, the last resulting in the temporary establishment of free schools in Forsyth county. The Constitution of 1868 declared for “a thorough system of general education, to be forever free to all children of the State.” This idea was carried into effect by an organized movement of the State Teachers’ Association, set on foot at its annual meeting in Atlanta, August, 1869. An able committee was appointed to draft a scheme of public education, which became the basis of a bill before the legislature. The earnest efforts of the teachers and their friends secured its passage, and the first public school law was enacted on October 13, 1870. General J. R. Lewis was appointed State school commissioner under its provisions, and a school system was put in operation in 1871. The disordered finances of the State forced a suspension of the schools in 1872. In the same year a new act of the General Assembly changed and modified the system, and Gustavus J. Orr, an able and devoted educator, was made commissioner. The schools were reopened in the following year and have been ever since regularly maintained. Their progress has been steady and encour-

aging. The number of pupils enrolled in 1871 was 46,578, of which 6664 were colored; in 1906, excluding local systems 415,809 pupils were enrolled, 170,325 being colored. The school fund in 1871 amounted to \$174,107.02; the amount appropriated by the legislature for 1908 is \$2,000,000, and for 1909 \$2,250,000. Including the local systems the total enrollment in 1906 was 516,268 pupils, with 10,669 teachers.

**130. Local School Systems.**—A provision of the Constitution limits public school instruction maintained by the State to “the elementary branches of an English education only.” The General Assembly has interpreted this to include spelling, reading, writing, grammar, geography, arithmetic, history and Constitution of the United States and of Georgia, agriculture, and physiology. The school fund moreover, does not provide school-houses, and is barely sufficient to keep the schools open five months in the year. Counties and municipalities desiring more extensive facilities are allowed to organize special school systems, drawing their *pro-rata* share of the school fund and meeting the extra expense by local taxation. Many of the more populous counties, towns and cities have in this way built up admirable local systems, with schools graded from primary to high schools. The enrollment of these systems in 1906 was 100,459. The present Commissioner strongly recommends that every county be required to levy a local school tax, equal at least to the amount received from the State.

**131. The State Board of Education.**<sup>1</sup>—The control of

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<sup>1</sup> Under the initiative of the Georgia Educational Association bills are being considered by the present legislature (1908) to change the State board of education into a professional board made up of six educators appointed by the governor, the State superintendent of public instruction, and the governor and attor-

public education throughout the State is vested in a board consisting of the governor, who is *ex officio* chairman, the attorney-general, secretary of State, comptroller-general, and a State school commissioner. The board is an advisory body from which the commissioner may receive counsel and assistance; it has also the nature of a court to which appeals may be made from his decisions, and in which final authority is vested. It is constituted a school-book commission, charged with the final selection of text books, which are required by an Act of 1903, to be uniform except in the local systems.

**132. The State School Commissioner<sup>1</sup>** is the chief executive officer, charged with the administration of school laws and the general superintendence of all business relating to the public schools of the State. He is elected by the people for a two-year term, at a salary of \$2000. He is provided with an office in the capitol, and is assisted by a clerk, paid \$1200 a year, who is custodian of all papers and records of the office.

It is the duty of the commissioner to transmit instructions to subordinate school officers, with forms for their reports and blanks for their guidance in official business. He must visit and inspect the schools of the various counties; apportion the school revenue equitably among them in proportion to the number of children between six and eighteen years of age; and see to the prosecution of de-

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ney-general *ex officio*; to give the new State board greater powers in the direction and control of all matters pertaining to the public schools; to substitute a State superintendent of public instruction for the State school commissioner; and to amend the constitution so that high-schools may be established and supported by State taxation.

These and other measures promise to make a radical change in the school system.



faulting school officers and agents. He is required to make an annual report to the General Assembly showing the condition of the school fund and of school property; setting forth statistics in regard to the schools of the State; and suggesting plans for the management, extension and improvement of the school system.

**133. The County Board of Education.**—Except where special local systems prevail, the schools are controlled by a county board of five freeholders appointed by the grand jury. Two members are appointed at one time, and three two years later; their term is four years. They are paid two dollars for each day of actual service. They meet four times a year in regular sessions of two days each, and may call special meetings. They divide the county into school districts of the approximate area of sixteen square miles, in each of which they establish a school for each race. They have a general supervision of the district school trustees, whose election they may approve or reject, and who must render them quarterly reports of receipts and expenditures, and furnish such school statistics of the district as may be called for.

The county may supplement the school fund received from the State by a local tax of not more than one-half of one per cent., if the voters of the county so decide by a two-thirds vote at a special election.

**134. District Trustees—Local Tax.**—In each school district three trustees are elected by the voters of the district for a three years' term, one being chosen each year. The district may supplement the fund received from the State by a local tax, if so decided by a two-thirds vote at an election called for the purpose. The board of trustees then determine the amount to be raised by the local tax; they ascertain the value of taxable property in the district, including railroad and corporate property and franchises;

and fix the local school-tax rate. They build and equip the school houses, under approval of the county board, fix the salaries of teachers, and make all rules and regulations to govern the schools of the district.

**135. The County School Commissioner** is selected by the county board from the citizens of the county, after an examination of applicants on questions prepared by the State commissioner. He is *ex officio* superintendent of the schools and secretary of the board; his term of office is four years, and he is paid not over three dollars for each day of service. He is the medium of communication between the State commissioner and the county school officers. He must inspect each school in the county at least twice a year. He examines applicants for teachers' places on questions prepared by the State commissioner, and grades them according to the answers made. He acts as agent of the county board in purchasing supplies and disbursing funds; audits accounts of teachers; takes a census of children of school age once every four years; and makes formal reports to the State commissioner and to the grand jury. He is provided with an office at the court-house, where he preserves records of all his official acts, and of all papers and property pertaining to his office. His books are submitted to the grand jury for inspection at the spring term. He must give adequate bond for the discharge of his duty.

**136. The School Fund** is made up of a direct appropriation from the general State tax on property, a poll tax of one dollar on male citizens between twenty-one and sixty years of age, and certain special sources of revenue set aside by law for this purpose. These will be best shown by a statement of the school fund for 1907:

General property tax .....	\$1,000,000
Poll tax .....	275,000
Half rental Western and Atlantic R. R.....	210,006
Tax on liquor dealers .....	242,000
Fees from inspection of fertilizers .....	21,000
Net hire of State convicts.....	16,640
Dividends from State stock in Georgia R. R.	2,046
Tax on shows and exhibitions .....	9,616
Fees from inspection of oils .....	1,600
Lease of oyster lands .....	0
Proceeds of settlement for school lands.....	8,681
	<hr/>
	\$1,786,589

The General Assembly of 1907 discontinued the school fund as heretofore constituted, and enacted that in future it should consist entirely of a direct appropriation from the treasury.

**137. Teachers' Institutes and Normal Instruction.—**One of the greatest obstacles to the development of public education has been the difficulty of securing properly trained and equipped teachers. Over ten thousand teachers are employed. Few applicants have enjoyed opportunities for adequate preparation. As a partial remedy the General Assembly has adopted the expedient of "Teachers' Institutes." In each county all persons holding teachers' certificates are required to attend a meeting lasting a week or more, held at some time during the summer months, under the supervision of the county school commissioner, where they are given a thorough, model course of instruction in the branches taught in the schools. A trained expert is employed, if possible, to direct the work. Uniformity is secured throughout the State by the use of a syllabus of exercises prepared by the State commissioner, who attends in person as many institutes as possible. The in-

stitutes of several contiguous counties are often combined in one meeting.

Much good has been accomplished by this means and normal instruction has been promoted as well by the Georgia Normal and Industrial College at Milledgeville, which is doing admirable work in training young women for the work of teachers.

The State Normal School at Athens is, however, the most important factor in producing trained teachers. After a feeble and experimental beginning in 1891 it was fully established in 1895, and has since made a rapid and permanent growth. It now has an excellent equipment, an able faculty, and receives a liberal maintenance from the General Assembly. Its enrollment exceeds five hundred students.

**138. The University of Georgia.**—At the head of the system of public education in the State stands the University of Georgia. The Ordinance of 1787 contains the celebrated clause: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." This golden utterance is properly regarded as the corner-stone of the superb educational structure of the Western States. Three years earlier the legislature of Georgia, in terms almost synonymous, declared: "The encouragement of religion and learning is an object of great importance to any community, and must tend to the happiness, prosperity and advantage of the same." With Georgians at least, this declaration deserves an equal renown. It was accompanied by the transfer to the governor and others of forty thousand acres of land in trust for the endowment of a college. In the following year, 1785, an Act was passed creating trustees and granting a



charter to the "University of Georgia,"—a title which was to include "all public schools instituted or to be supported by funds or public moneys in this State."

The wild lands granted proved of trifling value. It was not until 1801 that the donation of six hundred and thirty acres of valuable land by Governor Milledge enabled the trustees to begin their work. "Franklin College" was opened in that year on the lands donated. About it the city of Athens gradually developed. In 1803 the trustees succeeded in disposing of a small portion of the State grant. It was subsequently all sold, the purchasers giving in payment interest-bearing notes secured by mortgage. In 1815 the State agreed to take these notes and advance two-thirds of their value to the trustees. The principal sum agreed upon, \$100,000, was not paid, but became a permanent debt, upon which the State annually pays the University \$8000 interest.<sup>1</sup> With the exception of this interest the State long gave the University at Athens no regular pecuniary support, though sundry small appropriations were made from time to time.<sup>2</sup> In 1900, however, a more liberal policy was adopted. In addition to several new buildings, an annual maintenance fund of \$22,500 has been provided, increased for 1908 and 1909 to \$32,500.

In 1872 the State College of Agriculture and the Mechanic Arts was established by the trustees as a co-ordinate

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<sup>1</sup> The remaining value of the notes taken by the State is considered to have been repaid by an annual appropriation of \$6000 made to the University from 1830 to 1841.

<sup>2</sup> An Act of Sept. 30, 1881, provided a means of safe and convenient investment for funds of the University in the form of special, non-transferable, fifty-year State bonds, bearing seven per cent. interest. In 1898 the interest was reduced to three and one-half per cent.

department of the University, with a distinct organization, but closely affiliated with Franklin College. By legislative enactment this college was made the recipient of the greater part of the Federal appropriations to State Colleges of Agriculture and Mechanic Arts under the Morrill Acts of 1862 and 1890 and the Nelson amendment of 1907. From this source the State College receives nearly \$40,000 annually. In 1906 and 1907 the General Assembly inaugurated a wide scheme of agricultural and industrial education. An appropriation of \$100,000 was made for a great agricultural building on the campus of the University; and provision was made for the establishment in each of the eleven congressional districts of an agricultural and industrial high-school, each school to be a branch of the State College. The net fees from the inspection of oils and fertilizers are set aside for the support of these schools. In each district a local board of trustees, composed of one member appointed by the governor from each county in the district, has control of the management of the school; these local boards being under the general supervision of the University trustees. Under the terms of the Act, land and buildings and other donations were to be subscribed by the counties which desired to secure the location of the schools. Property approximating \$800,000 in value has already been thus donated, and a number of the high-schools successfully established. Tuition is free; students of both sexes are received; and half the money obtained from the proceeds of the school industry is to be divided among them. The curriculum is so arranged that young men who complete the course can enter the freshman class of the State College on certificate without examination.

A School of Law is a department of the University at Athens. In 1873 the Medical College of Augusta, founded in 1829, became the Medical Department of the University.

The State has established a number of institutions as branches of the University, under the same chancellorship, but controlled by different boards of trustees.<sup>1</sup> These are the North Georgia Agricultural College opened in 1873 at Dahlonega; the Georgia School of Technology in Atlanta; the Georgia Normal and Industrial College, for women, at Milledgeville; the State Industrial College, for colored youths, established at Savannah in 1890; and the Georgia Normal School at Athens.

The position of the University as a great public school is emphasized by its government. The trustees are appointed by the governor of the State, with the approval of the Senate. One is appointed from each congressional district, four from the State at large, and two from the city of Athens, for terms of eight years. The governor and the chairmen of the commissions in charge of the School of Technology, of the Georgia Normal and Industrial College, and of the State Industrial College, are *ex officio* members of the board, which has thus twenty-one members in all.<sup>2</sup> A board of visitors, composed of five experienced educators, is appointed by the governor annually to inspect the University, attend its examinations and report upon its condition and management to the governor and to the trustees.

Tuition is free to all students except those attending the law school and residents of other States. The standard required for admission is made as high as the condition of secondary education in the State allows. The lack of

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<sup>1</sup> Under the State Constitution the legislature can make appropriations for education only to the public schools and to the University of Georgia.

<sup>2</sup> A complimentary non-resident trusteeship was conferred in 1906 upon Hon. George Foster Peabody of New York, in recognition of liberal benefactions to the University.

sufficient preparatory schools is a serious obstacle to higher education in Georgia. The State provides elementary instruction in the public schools and collegiate education in the University; the intermediate work must be done by private schools and by the high schools of the local systems. While the facilities provided in this way are excellent in a number of instances, in many parts of the State they are inadequate, and in others entirely lacking. The normal work of the University is doing much to remedy this defect. Many of the best private schools and high schools in the State are taught by its graduates. A Summer School, designed primarily for teachers, and open to both sexes, is conducted for six weeks during the summer months. In recent years the University has undertaken the co-ordination of the high-schools of the State with the University system, and has adopted the plan of accrediting schools that attain an established standard with the privilege of issuing certificates which admit their students to the University without examination.

The history of the University is closely interwoven with that of the State. The roll of its alumni includes many of Georgia's most distinguished sons. The good effects of its influence, so long and steadfastly exerted, would be hard to overestimate.



## CHAPTER VIII

### THE COURTS AND LEGAL PROCEDURE

**139. Cases at Law.**—The courts of the State in the discharge of their duties deal with cases which fall into three classes: (1) Criminal cases, in which the State is the injured party or *plaintiff*, and seeks to inflict punishment for some violation of the law. (2) Civil cases, arising between citizens, chiefly from the enforcement of contracts; from claims for damages for injury; in the adjudication of titles to land; petitions for divorce; and from claims of equitable rights, reliefs and remedies. (3) Probate cases, relating to matters of administration and guardianship, and which for the most part involve no contest. Such cases fall within the jurisdiction of the ordinary.

**140. Procedure in Criminal Cases.**—In bringing a violator of the law to justice, a part or all of the following legal steps may be involved:

(a) **The Affidavit, or Complaint.**—On the supposed discovery of the identity of the criminal, any citizen may appear before a justice of the peace, and make on oath a formal accusation against him.

(b) **The Warrant.**—The justice then issues a warrant for the arrest of the accused, stating the charge, and directing any sheriff, deputy-sheriff or constable of the State to bring him into court. A warrant may be issued by a justice, without affidavit, upon his own motion.

(c) **The Arrest** is made by the officer in the execution of this order. The prisoner in a bailable case may give

bond to the arresting officer for his appearance before the magistrate; in default of this he remains in custody. The officer may arrest without a warrant if the offence is committed in his presence, or if the offender is attempting to escape.

(d) **The Examination** is a preliminary investigation by a justice of the peace of the evidence against the accused. A reasonable time is allowed both State and defendant to prepare for the preliminary trial. The prisoner may waive this trial and give bail or go to jail; but if he demands it, and it is unreasonably delayed, he may obtain a writ of *habeas corpus* from the superior court or the ordinary.

The prisoner may not select the justice before whom the investigation is had, but he may decline to have the hearing by the one before whom he is brought. The arresting officer will then take him before another justice. The justice of the peace—there may be several—sitting as a “court of inquiry” hears the evidence. If there is probable cause to suspect the guilt of the accused, it is the duty of the justice to commit him; and he must commit for such offence as the evidence discloses, no matter what the warrant charges.

(e) **Bail.**—Instead of going to jail the prisoner may give “bail” or get some responsible citizen or citizens to sign a bond as surety for his appearance at the summons of court. The amount of bail is fixed by the justice according to the gravity of the charge. Capital felonies are not bailable by the justice, but one in custody under such a charge may make a motion for trial before the judge of the superior court, who has power, in his discretion, to grant bail.

(f) **The Indictment.**—At the next session of the superior court in the county the solicitor-general frames an

*indictment* and lays it before the grand jury. The jury summons the State's witnesses, hears their testimony in secret, and returns a "true bill" or "no bill." At least twelve must vote for a true bill. We have seen that the grand jury may find a true bill against a person of their own motion, without previous accusation. This is called a *presentment*, and has the same effect as an indictment. The bill is returned to court, entered on the minutes, and docketed for trial.

After indictment or presentment, if the accused is not already under arrest, a warrant is framed by the solicitor-general and signed by the judge, whence it is called a "bench-warrant," which is duly executed by the sheriff, who may in bailable cases take bond for the prisoner's appearance.

(g) **The Arraignment.**—The accused is in due course brought before the court and the indictment is formally read to him. He is given the benefit of counsel, and if without the means to employ a lawyer the court appoints one, who serves without fee, to defend him. He is formally asked whether he is guilty or not guilty of the offence charged.

The arraignment except in capital cases is generally waived, the plea of "not guilty" signed by the solicitor-general and the defendant's attorney, completing the issue.

(h) **The Plea.**—After consultation with his counsel the prisoner enters a plea of "guilty" or "not guilty." In the former case sentence is passed upon him without trial. In the latter, a time is set for trial.

(i) **The Trial.**—All crimes involving the death penalty or imprisonment in the penitentiary are tried in the superior court.<sup>1</sup> The prosecution is conducted by the solicitor-

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<sup>1</sup> Indictments or presentments for misdemeanors may be sent by order of court to a city or county court for trial. The so-

general. A jury of twelve men is selected from a panel drawn from the petit-jury list. Any number of the panel may be *challenged* or rejected by either party for good cause, and a certain number of peremptory challenges, varying with the nature of the crime, may be made by State and defendant.<sup>1</sup> When selected, the jury is duly sworn to decide the case according to the evidence submitted. The solicitor-general presents the case of the State, submitting evidence and sworn witnesses in support of the prosecution. The attorney for the defendant then produces his evidence and witnesses. The prisoner may make a statement, not under oath, to which the jury may give such weight as they see fit. Arguments are offered from the evidence by the counsel of both sides. The solicitor-general has the opening and concluding address unless the defendant introduces no evidence, in which case the defence opens and concludes.

The judge then reviews the evidence, though he must express no opinion as to its weight or relative importance, and cannot intimate what has or has not been proven, and instructs the jury in the law applicable to the case.

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licitor of these courts may on affidavit and warrant frame an accusation on which trial may be had as on indictment or presentment. In some of these courts the accused may demand investigation by the grand jury and thus move the accusation to the superior court; in others he has not this privilege.

<sup>1</sup> In felonies there is a panel of 48; if the case involve capital punishment or four years in the penitentiary the defendant has 20 peremptory challenges and the State 10. If a penalty of less than four years is involved the peremptory challenges allowed are 12 and 6 respectively.

In misdemeanors the panel is 24; the defendant has 7 and the State 5 peremptory challenges. If the challenges exhaust the panel, the sheriff under the judge's instruction will summon talesmen or draw a new panel.



(j) **The Verdict.**—The jury usually retire to deliberate, although they may render a verdict without leaving the box. The verdict must be unanimous. The jury are kept by themselves in charge of an officer until such a decision is reached, or until it becomes evident that they cannot agree. In case of disagreement a *mistrial* is declared; there has been no trial, and the case has still to be tried; this cuts off a plea of jeopardy.<sup>1</sup> If the jury agree upon the verdict “not guilty,” the prisoner is acquitted. He is then set at liberty, and cannot be tried again for the same offence.

(k) **The Sentence.**—If the jury agree upon the guilt of the prisoner it is the duty of the court to sentence him to the punishment prescribed by law for his offence. The judge in general is allowed a considerable degree of discretion in fixing the penalty. After the sentence has been pronounced the prisoner is placed in the custody of the sheriff, to be safely kept until taken charge of by guards from the chain-gang or penitentiary.

(l) **The Appeal.**—A new trial may be granted the defendant after a verdict of guilty, for reasons satisfactory to the court. If there has been any dispute as to the interpretation of the law, an *appeal* may be made, on a writ of error, to the supreme court. The refusal of the trial judge to grant a new trial may be assigned as an error of law, thus giving jurisdiction to the supreme court; and upon such writ of error, or bill of exceptions, a hearing may be had in that court.

**141. Civil Cases.**—These arise between citizens or corporations; the State is not necessarily a party. The plaintiff files a petition in the proper court, stating his claim upon the defendant and the relief sought. A “pro-

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<sup>1</sup> See *Art. I., Sect. I., Par. 8.*

cess" is issued, attached to the original petition, directing the defendant to appear in court. The petition must be filed twenty days before a term of the court. This is called the "appearance term;" here the defendant must file his pleas and set up his defence. All exceptions to the pleadings (demurrers) are heard and determined at that term. Six months later, or at the next session of court, comes the "trial term," when the case is submitted to a jury. All disputed points of law are decided by the judge, and his instructions (charge) to the jury are for them the law. Disputed facts are decided by the jury. The party holding the affirmative of the issue, usually the plaintiff, opens and concludes. The jury after deliberation return a verdict, generally "for the plaintiff," stating the amount of damages, or "for the defendant." On the verdict the court enters a "judgment;" and on the judgment the clerk issues an execution (*feri facias*—fi. fa.). Should the defendant refuse or neglect to settle, the sheriff, armed with this *process*, levies upon, advertises and sells his property, and applies the proceeds to the satisfaction of the judgment and execution.

In a land suit, if the jury find for the plaintiff, the execution takes the form of a *writ of possession*.

Sometimes in equity cases several issues of fact are submitted to the jury, and several issues of law to the court. Taking the different findings of the jury, and his decisions upon the law, the judge will formulate a judgment or decree. He may thus in a proper case order trust property to be sold; declare a mistake in a contract; recognize a fraud in the procurement of an instrument; order the contract reformed, or the instrument cancelled; direct one party specifically to perform his contract and compel him to execute a deed; restrain temporarily or perpetually one or more parties from doing some act; carry out a family

settlement; always requiring the one party to perform the duty due to the other before receiving the benefit of the judgment (decree).

**The Authority of the Courts** is maintained by the exercise of the special powers given them by law. A judgment or decree at law is enforced by an execution against any or all of the property of the defendant. A judgment or decree in equity may be enforced in the same way, or by an attachment for "contempt" against the person. Any one who resists or obstructs a civil or criminal process may be punished for contempt of court, by fine or imprisonment or both at the discretion of the judge.

It may be well to notice several special orders issuing from the superior court. A *mandamus* may be issued, upon the request of any citizen, commanding a civil officer or other person vested with authority, to perform some specific duty. A *decree of specific performance* is an order in equity directing any person to perform a stated act. An *injunction* is an order issued upon proper application, to prevent or restrain the performance of some specified act, alleged to involve a wrong or injury. An injunction may be temporary or permanent. Disregard of any of these orders will bring the person offending into contempt of court. A *receiver* may be appointed to take charge of and manage property which is the subject of litigation until the determination of the case.

**142. Suits against the State.**—A town, city, county or school board may be sued in the courts as corporations. The State in virtue of its sovereignty over its citizens, cannot be sued by them in the Federal courts. Nor can it be sued by citizens of another State or of a foreign country.<sup>1</sup> It may, however, be sued in the United States Supreme

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<sup>1</sup> Eleventh Amendment to the U. S. Constitution.

Court by another State, or by the Federal government.

Some States allow themselves, by statute, to be sued in the State courts for special purposes. In Georgia such a suit can be brought only by a special Act of the General Assembly, permitting it. In such cases the court cannot enforce its judgment, and it rests with the General Assembly to carry it out or not.



## CHAPTER IX

### STATE FINANCES

**143. State Expenditures.**—The principal items of expense in the State budget are—(1) the salaries of its officials, administrative and judicial; (2) the pay roll of the General Assembly; (3) public education; (4) pensions to Confederate soldiers, and their widows; (5) the interest and redemption of the public debt; (6) charitable institutions; (7) the maintenance of the volunteer forces, and (8) State buildings and public works. The total amount of the State's expenditures is comparatively small, as the main burden of administration is borne by the county and municipal governments. The disbursements of the treasury for the year ending December 31, 1906, amounted to \$4,714,509.64. Of this sum \$280,000 covered all the cost of the civil establishment,<sup>1</sup> including departmental and contingent expenses and public printing; \$1,735,800 went to the support of the public schools, and \$232,771 to other educational institutions. Pensions amounted to \$909,940. The interest and payment on the public debt was \$420,419. The legislative pay-roll was \$69,466. Charitable institutions received \$518,500; public buildings, including insurance, \$24,813, and the militia \$36,000. These sums are small when compared with the wealth and population

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<sup>1</sup> These figures give the actual disbursements. In some cases they include costs of the preceding year; in others only a part of those for the current year.

of the State, or with the total expenditures of the local governments.

**144. Sources of Revenue.**—The main revenue of the State is derived from a general uniform tax on all property, real and personal, which produces a greater income than all the other sources combined. The State tax rate is limited, by a Constitutional amendment of 1903, to five mills on the dollar of taxable property, except in time of war, invasion or insurrection. All property is assessed yearly by the taxpayers themselves, the returns being made to the tax-receivers of the various counties, who may refuse those which they believe untrue. Returns are made by filling out blanks containing minute specifications, designed both to aid the taxpayer in making a full return of his property, and to make concealment difficult. The questions asked in the blank are provided by statute. There are about forty separate questions, many containing several sub-questions. After every imaginable form of property has been specified, the taxpayer is required to give "the value of all other property not herein mentioned." To this comprehensive list is attached a rigid oath which the taxpayer must take, affirming that he has truthfully answered every question, and has not attempted by transferring property or by any other means, to evade the tax laws, and that he has returned the true worth and value of every species of property.

An Act of 1874 provides that the tax-receiver of each county must, at the fall term of the superior court, lay his returns for the year before the grand jury, whose duty it is to examine them and assess at its true worth all property which they may find undervalued. This corrected digest is the tax-collector's guide for the ensuing year. The system of taxation is placed under the supervision of the comptroller-general, who issues instructions to tax-

receivers and collectors, describing the precise method of procedure on their part in the fulfilment of their duties, and securing uniformity and efficiency throughout the State.

There are serious evils connected with this system of taxation which appear difficult or impossible to remedy. The worst is that the greater part of personal property, especially in the centres of population, where concealment is easiest, escapes taxation. This class of property, including jewelry, stocks of goods and personal effects, notes, bonds, book-debts and mortgages, is extremely difficult for the tax-officer to detect. The honest man who gives a truthful statement of his property is heavily burdened, while his less scrupulous neighbor, perhaps his rival in business, escapes. The result is a strong temptation to evade the tax, and to compromise with conscience for the perjury and deception involved. Nothing could do more to demoralize the community and to put a premium on dishonesty. It further tends to throw the burden of taxation disproportionately on the poorer classes and on the rural districts of the State. Many economists advocate an abandonment of the attempt to tax these intangible forms of property and the substitution of other forms of taxation.

Besides the general property tax, the State levies a poll tax of one dollar on each male citizen between the ages of twenty-one and sixty. Special taxes or licenses are required of certain corporations; of banks, railroads, express and insurance companies, and also of persons engaged in various specified lines of business. The rental of the Western and Atlantic railroad, owned by the State, fees from the inspection of oil and fertilizers, the hire of convicts, the sale of wild lands, and various minor

sources add to the income of the State. The following statement, condensed from the report of the comptroller-general, will indicate the proportion in which the various sources contribute to the revenue:

*Treasury Receipts for year ending Dec. 31, 1906.*

General property tax .....	\$2,286,197
Rental Western and Atlantic R. R.....	420,012
Railroad and express companies.....	402,842
Hire of convicts.....	340,011
Poll tax .....	278,297
Liquor tax .....	242,044
Insurance taxes .....	167,009
Special and license taxes.....	116,587
Fees, fertilizers .....\$30,000	}..... 42,602
Fees, oils ..... 12,602	
Corporation tax .....	28,084
Miscellaneous receipts .....	99,806
Temporary loan .....	80,000
	<hr/> \$4,503,491

**145. Exemptions from Taxation.**—Certain restrictions are imposed by the Federal Constitution upon the taxing power of the States. They are forbidden to levy import or export duties, except with the special consent of Congress, in which case the proceeds must go to the Federal treasury. Nor can any State tax bonds or securities, issued by the United States government.<sup>1</sup>

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<sup>1</sup>This restriction has been held by the supreme court to apply to U. S. circulating notes, "greenbacks," treasury notes, and even national bank notes. In 1895, however, national bank notes were declared taxable by a special Act of Congress.



Various classes of property are further exempted from taxation by the laws of the State. Among these are public property; churches, cemeteries; the buildings, books, and apparatus of colleges and incorporated schools, and public libraries. All persons under twenty-one and over sixty years of age are exempted from the poll tax; and there are specified exemptions from road, jury and militia duty, which may be regarded as a form of taxation. All of these exemptions apply also to the taxes levied by the local governments.

**146. Method of Collecting State Taxes.**—Some of the State taxes, such as those levied on railroads, insurance and express companies, are paid directly to the comptroller-general; but the general tax and most of the license and specific taxes are collected by the county officers. The general tax is collected at the same time as the county taxes. The specific taxes are due on the first of January or at the time of entering upon the business or profession taxed. The tax-collector retains the amounts due the county from the county rate and turns the rest over to the comptroller-general. Poll taxes were retained in the counties for school purposes up to the year 1895; but they are now returned with the other State taxes to the treasury. Municipal taxes are received and collected by the city clerk, or by special tax-officers.

**147. The State Debt.**—The debt of the State at present aggregates \$7,331,500, with annual interest amounting to \$314,630. It is distributed in seven series of bonds, as shown in the following statement:

	Amount.	Rate of Interest.	Interest.
Bonds issued under Act of 1884, due 1915 .....	\$3,392,000	4½ per cent.	152,640
Bonds issued under Act of 1887, due \$100,000 each year from 1898 .....	1,100,000	4½ “	49,500
Bonds issued under Act of 1889, due \$100,000 each year from 1917 .....	1,833,000	3½ “	64,155
Bonds issued under Act of 1891, due 1912 .....	207,000	4½ “	9,315
Bonds issued under Act of 1894, due 1915.....	287,000	3½ “	10,045
Bonds issued under Act of 1895, due 1926 .....	230,000	4 “	9,200
Fifty-year obligations, University of Georgia, under Act of 1881 .....	282,500	7 “	19,775
	<u>\$7,331,500</u>		<u>314,630</u>

All of these issues except the last were made for the purpose of refunding maturing bonds at lower interest. The last simply makes provision for a safe investment of the funds of the University.<sup>1</sup>

The Constitution requires the General Assembly to raise annually by taxation the sum of \$100,000, to be set aside and used as a sinking fund, to pay off and retire bonds of the State which have not matured. This fund can be used for no other purpose, but may be loaned by the governor, on the security of valid State bonds, if no unmatured bonds can be purchased at or below par.

**148. Restrictions on Borrowing.**—The experience of reckless legislation in many of the States has led them to

<sup>1</sup> See note 2, page 118.

place constitutional limits both on the amount of State indebtedness and on the objects for which it can be incurred. The Constitution of Georgia declares that no debt shall be created except to supply casual deficiencies of revenue, to repel invasion, suppress insurrection and defend the State in time of war, or to pay maturing bonds of the existing debt. A loan contracted to supply deficiencies in revenue is limited in amount to \$200,000.

The General Assembly is forbidden to authorize any county, town or city to contract a debt exceeding seven per cent. of the assessed value of its taxable property; and any debt exceeding one-fifth of one per cent. of such value must be authorized by a two-thirds vote of the qualified voters at an election held for the purpose. An annual tax must then be provided, sufficient to pay the principal and interest within thirty years.

# CONSTITUTION OF THE STATE OF GEORGIA

## PREAMBLE.

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interests and happiness of the citizen, and transmit to posterity the enjoyment of liberty, we, the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.

## ARTICLE I.

### BILL OF RIGHTS.

#### SECTION I.

1. All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times amenable to them.

2. Protection to person and property is the paramount duty of government, and shall be impartial and complete.

3. No person shall be deprived of life, liberty or property, except by due process of law.

4. No person shall be deprived of the right to prosecute or defend his own cause in any of the Courts of this State, in person, by attorney, or both.

5. Every person charged with an offence against the laws of this State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the testimony of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

6. No person shall be compelled to give testimony tending in any way to criminate himself.



7. Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

8. No person shall be put in jeopardy of life or liberty, more than once for the same offence, save on his, or her, own motion for a new trial after conviction, or in case of mistrial.

9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused, in being arrested, while under arrest, or in prison.

10. No person shall be compelled to pay costs, except after conviction on final trial.

11. The writ of *habeas corpus* shall not be suspended.

12. All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should, in any case, control or interfere with such right of conscience.

13. No inhabitant of this State shall be molested in person or property, or prohibited from holding any public office or trust, on account of his religious opinions; but the right of liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

14. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religionists, or of any sectarian institution.

15. No law shall ever be passed to curtail, or restrain, the liberty of speech or of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

16. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or things to be seized.

17. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

18. The social status of the citizen shall never be the subject of legislation.

19. The civil authority shall be superior to the military, and

no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except by the civil magistrate, in such manner as may be provided by law.

20. The power of the Courts to punish for contempt shall be limited by legislative acts.

21. There shall be no imprisonment for debt.

22. The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

23. The legislative, judicial and executive powers shall forever remain separate and distinct, and no person discharging the duties of one shall at the same time exercise the functions of either of the others, except as herein provided.

24. The people have the right to assemble peaceably for their common good, and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance.

25. All citizens of the United States, resident in this State, are hereby declared citizens of this State; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges and immunities due to such citizenship.

## SECTION II.

1. In all prosecutions or indictments for libel, the truth may be given in evidence; and the jury in all criminal cases shall be the judges of the law and the facts. The power of the Judges to grant new trials in case of conviction is preserved.

2. Treason against the State of Georgia shall consist in levying war against her, adhering to her enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open Court.

3. No conviction shall work corruption of blood, or forfeiture of estate.

4. All lotteries, and the sale of lottery tickets, are hereby prohibited; and this prohibition shall be enforced by penal laws.

5. Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

6. The General Assembly shall have the power to provide for the punishment of fraud; and shall provide, by law, for reaching property of the debtor concealed from the creditor.

## SECTION III.

1. In cases of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken or damaged, for public purposes, without just and adequate compensation being first paid.

2. No bill of attainder, *ex post facto* law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities, shall be passed.

3. No grant of special privileges or immunities shall be revoked, except in such manner as to work no injustice to the corporators or creditors of the incorporation.

## SECTION IV.

1. Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights shall be varied in any particular case by special legislation, except with the free consent, in writing, of all persons affected thereby; and no person under legal disability to contract is capable of such consent.

2. Legislative Acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.

## SECTION V.

1. The people of this State have the inherent, sole and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

2. The enumeration of rights herein contained, as a part of this Constitution, shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

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ARTICLE II.

## ELECTIVE FRANCHISE.

## SECTION I. (Amendment of 1908.)

1. Elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.



2. Every male citizen of the State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people; provided, that no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

3. To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election, and shall have paid all taxes which may have been required of him since the adoption of the Constitution of 1877 that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least six months prior to the election at which he offers to vote, except when such elections are held within six months from the expiration of the time fixed by law for the payment of such taxes.

4. Every male citizen of this State shall be entitled to register as an elector and to vote in all elections of said State who is not disqualified under the provisions of Section II. of Article II. of this Constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following sub-divisions of this paragraph.

a. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary war, or in the War of 1812, or in the war with Mexico, or in any war with the Indians or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Georgia in the War between the States, or

b. All persons lawfully descended from those embraced in the classes enumerated in the sub-division next above, or

c. All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government; or

d. All persons who can correctly read in the English language



any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars; or

e. Any person who is the owner in good faith in his own right of at least forty acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property, situated in this State and assessed for taxation at the value of five hundred dollars.

5. The right to register under sub-divisions a and b of paragraph 4 shall continue only until January 1, 1915. But the registrars shall prepare a roster of all persons who register under sub-divisions a and b of paragraph 4, and shall return the same to the clerk's office of the Superior Court of their counties and the Clerks of the Superior Court shall send copies of the same to the Secretary of State, and it shall be the duty of these officers to record and permanently preserve these rosters. Any person who has been once registered under either of the sub-divisions a or b of paragraph 4 shall thereafter be permitted to vote; provided, he meets the requirements of paragraphs 2 and 3 of this section.

6. Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the five sub-divisions of paragraph 4, shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said sub-divisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of and shall be returned by the registrars to the office of the Clerk of the Superior Court to be tried as other appeals.

7. Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

8. No person shall be allowed to participate in a primary of any political party or a convention of any political party in this State who is not a qualified voter.

9. The machinery provided by law for the registration of

force October 1, 1908, shall be used to carry out the provisions of this section, except where inconsistent with same; the Legislature may change or amend the registration laws from time to time, but no such change or amendment shall operate to defeat any of the provisions of this section.

## SECTION II.

1. The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote or hold any office, or appointment of honor or trust in this State, to wit: 1st. Those who shall have been convicted, in any Court of competent jurisdiction, of treason against the State, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such person shall have been pardoned. 2d. Idiots and insane persons.

## SECTION III.

1. Electors shall, in all cases except for treason, felony, larceny and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

## SECTION IV.

1. No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

2. No person, who, after the adoption of this Constitution, being a resident of this State, shall have been convicted of fighting a duel in this State, or convicted of sending or accepting a challenge, or convicted of aiding or abetting such duel, shall hold office in this State, unless he shall have been pardoned; and every such person shall also be subject to such punishment as may be prescribed by law.

## SECTION V.

1. The General Assembly shall, by law, forbid the sale, distribution, or furnishing of intoxicating drinks within two miles of election precincts on days of election—State, county or municipal—and prescribe punishment for any violation of the same.

## SECTION VI.

1. Returns of elections for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

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ARTICLE III.

## LEGISLATIVE DEPARTMENT.

## SECTION I.

1. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

## SECTION II.

1. The Senate shall consist of forty-four members. There shall be forty-four Senatorial districts as now arranged by counties. Each district shall have one Senator.<sup>1</sup>

The First Senatorial District shall be composed of the counties of Chatham, Bryan and Effingham.

The Second Senatorial District shall be composed of the counties of Liberty, Tattnall, McIntosh and Toombs.

The Third Senatorial District shall be composed of the counties of Wayne, Pierce, Appling and Jeff Davis.

The Fourth Senatorial District shall be composed of the counties of Glynn, Camden and Charlton.

The Fifth Senatorial District shall be composed of the counties of Coffee, Ware and Clinch.

The Sixth Senatorial District shall be composed of the counties of Echols, Lowndes, Berrien and Tift.

The Seventh Senatorial District shall be composed of the counties of Brooks, Thomas, Colquitt and Grady.

The Eighth Senatorial District shall be composed of the counties of Decatur, Mitchell and Miller.

The Ninth Senatorial District shall be composed of the counties of Early, Calhoun and Baker.

The Tenth Senatorial District shall be composed of the counties of Dougherty, Lee, Worth and Turner.

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<sup>1</sup> The districts are given as rearranged in 1906.

The Eleventh Senatorial District shall be composed of the counties of Clay, Randolph and Terrell.

The Twelfth Senatorial District shall be composed of the counties of Stewart, Webster and Quitman.

The Thirteenth Senatorial District shall be composed of the counties of Sumter, Schley and Macon.

The Fourteenth Senatorial District shall be composed of the counties of Dooly, Wilcox, Pulaski, Crisp and Ben Hill.

The Fifteenth Senatorial District shall be composed of the counties of Montgomery, Telfair, Irwin and Dodge.

The Sixteenth Senatorial District shall be composed of the counties of Laurens, Emanuel and Johnson.

The Seventeenth Senatorial District shall be composed of the counties of Screven, Bulloch, Burke and Jenkins.

The Eighteenth Senatorial District shall be composed of the counties of Richmond, Glascock and Jefferson.

The Nineteenth Senatorial District shall be composed of the counties of Taliaferro, Greene and Warren.

The Twentieth Senatorial District shall be composed of the counties of Baldwin, Hancock and Washington.

The Twenty-first Senatorial District shall be composed of the counties of Twiggs, Wilkinson and Jones.

The Twenty-second Senatorial District shall be composed of the counties of Bibb, Monroe and Pike.

The Twenty-third Senatorial District shall be composed of the counties of Houston, Crawford and Taylor.

The Twenty-fourth Senatorial District shall be composed of the counties of Muscogee, Marion and Chattahoochee.

The Twenty-fifth Senatorial District shall be composed of the counties of Harris, Upson and Talbot.

The Twenty-sixth Senatorial District shall be composed of the counties of Spalding, Butts and Fayette.

The Twenty-seventh Senatorial District shall be composed of the counties of Newton, Walton, Oconee and Rockdale.

The Twenty-eighth Senatorial District shall be composed of the counties of Jasper, Putnam and Morgan.

The Twenty-ninth Senatorial District shall be composed of the counties of Wilkes, Columbia, Lincoln and McDuffie.

The Thirtieth Senatorial District shall be composed of the counties of Oglethorpe, Madison, Elbert and Clarke.



The Thirty-first Senatorial District shall be composed of the counties of Hart, Habersham, Franklin and Stephens.

The Thirty-second Senatorial District shall be composed of the counties of White, Dawson and Lumpkin.

The Thirty-third Senatorial District shall be composed of the counties of Hall, Banks and Jackson.

The Thirty-fourth Senatorial District shall be composed of the counties of Gwinnett, DeKalb and Henry.

The Thirty-fifth Senatorial District shall be composed of the counties of Clayton, Cobb and Fulton.

The Thirty-sixth Senatorial District shall be composed of the counties of Campbell, Coweta, Meriwether and Douglas.

The Thirty-seventh Senatorial District shall be composed of the counties of Carroll, Heard and Troup.

The Thirty-eighth Senatorial District shall be composed of the counties of Haralson, Pike and Paulding.

The Thirty-ninth Senatorial District shall be composed of the counties of Milton, Cherokee and Forsyth.

The Fortieth Senatorial District shall be composed of the counties of Union, Towns and Rabun.

The Forty-first Senatorial District shall be composed of the counties of Pickens, Fannin and Gilmer.

The Forty-second Senatorial District shall be composed of the counties of Bartow, Floyd and Chattooga.

The Forty-third Senatorial District shall be composed of the counties of Murray, Gordon and Whitfield.

The Forty-fourth Senatorial District shall be composed of the counties of Walker, Dade and Catoosa.

2. The General Assembly may change these districts after each census of the United States: *Provided*, that neither the number of districts nor the number of Senators from each district shall be increased

### SECTION III.

1. (As amended to 1908). The House of Representatives shall consist of one hundred and eighty-four Representatives, apportioned among the several counties as follows, to wit: To the six counties having the largest population, viz.: Chatham, Richmond, Thomas, Floyd, Bibb and Fulton, three Representatives each; to the twenty-six counties having the next largest population, viz.: Dooly, Bartow, Bullock, Burke, Coweta, Decatur, Elbert, Eman-

uel, Houston, Gwinnett, Laurens, Lowndes, Meriwether, Monroe, Muscogee, DeKalb, Hall, Walton, Sumter, Tattnall, Troup, Washington, Carroll, Cobb, Jackson and Wilkes, two Representatives each; and to the remaining one hundred and fourteen counties one Representative each.

2. The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government, so as to give the six counties having the largest population three Representatives each; and to the twenty-six counties having the next largest population two Representatives each; but in no event shall the aggregate number of Representatives be increased.

#### SECTION IV.

1. The members of the General Assembly shall be elected for two years, and shall serve until their successors are elected.

2. The first election for members of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially on that day, until the day of election is changed by law.

3. The first meeting of the General Assembly, after the ratification of this Constitution, shall be on the fourth Wednesday in October, 1878, and annually thereafter, on the same day, until the day shall be changed by law.<sup>1</sup> But nothing herein contained shall be construed to prevent the Governor from calling an extra session of the General Assembly before the first Wednesday in November, 1878, if, in his opinion, the public good shall require it.

4. A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members as each House may provide.

5. Each Senator and Representative, before taking his seat, shall take the following oath, or affirmation, to wit: "I will support the Constitution of this State, and of the United States; and on all questions and measures which may come before me, I

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<sup>1</sup> Changed in 1902 to the fourth Wednesday in June.  
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will so conduct myself as will, in my judgment, be most conducive to the interests and prosperity of this State."

6. No session of the General Assembly shall continue longer than fifty days: *Provided*, that if an impeachment trial be pending at the end of fifty days, the session may be prolonged till the completion of said trial.

7. No person holding a military commission or other appointment or office, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, except Justices of the Peace and officers of the Militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either House; nor shall any Senator or Representative after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected.

8. The seat of a member of either House shall be vacated on his removal from the district or county from which he was elected.

#### SECTION V.

1. The Senators shall be citizens of the United States, who have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the district from which elected.

2. The presiding officer of the Senate shall be styled the President of the Senate, and shall be elected *viva voce* from the Senators.

3. The Senate shall have the sole power to try impeachments.

4. When sitting for that purpose, the members shall be on oath or affirmation, and shall be presided over by the Chief Justice, or the presiding Justice of the Supreme Court. Should the Chief Justice be disqualified, the Senate shall select the Judge of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

5. Judgments, in case of impeachment, shall not extend further than removal from office and disqualifications to hold and enjoy any office of honor, trust or profit, within this State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.



SECTION VI.

1. The Representatives shall be citizens of the United States who have attained the age of twenty-one years, and who shall have been citizens of this State for two years, and for one year residents of the counties from which elected.

2. The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected *viva voce* from the body.

3. The House of Representatives shall have the sole power to impeach all persons who shall have been, or may be, in office.

SECTION VII.

1. Each House shall be the judge of the election, returns and qualifications of its members, and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled, except by a vote of two-thirds of the House to which he belongs.

2. Each House may punish by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence, or who shall rescue or attempt to rescue, any person arrested by order of either House.

3. The members of both Houses shall be free from arrest during their attendance on the General Assembly and in going thereto or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either House.

4. Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment.

5. The original journal shall be preserved, after publication, in the office of Secretary of State, but there shall be no other record thereof.

6. The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

7. Every bill, before it shall pass, shall be read three times, and on three separate days, in each House, unless in case of actual invasion or insurrection. But the first and second reading of each local bill and bank and railroad charters in each House shall consist of the reading of the title only, unless said bill is ordered to be engrossed.



8. No law or ordinance shall pass which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

9. The general appropriation bill shall embrace nothing except appropriations fixed by previous laws, the ordinary expenses of the Executive, Legislative and Judicial Departments of the Government, payment of the public debt and interest thereon, and the support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

10. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

11. No money shall be drawn from the treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published every three months, and also with the laws passed by each session of the General Assembly.

12. No bill or resolution appropriating money shall become a law, unless, upon its passage, the yeas and nays in each House are recorded.

13. All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill, ordinance or resolution, intended to have the effect of law, which shall have been rejected by either House, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

14. No bill shall become a law unless it shall receive a majority of the votes of all the members elected to each House of the General Assembly, and it shall, in every instance, so appear on the journal.

15. [By an act approved September 24, 1885, an amendment to the Constitution was submitted to vote of the people in October, 1886, and adopted, whereby the original of this paragraph was stricken from this Constitution.]

16. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter, or thing, to be affected may be situated, which notice shall be given at least thirty days prior to the introduction of such bill into the General Assembly and in the man-

ner to be prescribed by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such Act shall be passed.

17. No law, or section of the Code, shall be amended or repealed by mere reference to its title, or to the number of the section of the Code, but the amending or repealing Act shall distinctly describe the law to be amended or repealed, as well as the alteration to be made.

18. The General Assembly shall have no power to grant corporate powers and privileges to private companies; nor to make or change election precincts; nor to establish bridges or ferries; nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the Courts. All corporate powers and privileges to banking, insurance, railroad, canal, navigation, express and telegraph companies shall be issued and granted by the Secretary of State, in such manner as shall be prescribed by law.

19. The General Assembly shall have no power to relieve principals or securities upon forfeited recognizances, from the payment thereof, either before or after judgment thereon, unless the principal in the recognizance shall have been apprehended and placed in the custody of the proper officer.

20. The General Assembly shall not authorize the construction of any street passenger railway within the limits of any incorporated town or city without the consent of the corporate authorities.

21. Whenever the Constitution requires a vote of two-thirds of either or both Houses for the passage of an Act or resolution, the yeas and nays on the passage thereof shall be entered on the journal.

22. The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

23. No provision in this Constitution, for a two-thirds vote of both Houses of the General Assembly, shall be construed to waive the necessity for the signature of the Governor, as in any other case except in the case of the two-thirds' vote required to override the veto, and in case of prolongation of a session of the General Assembly.

24. Neither House shall adjourn for more than three days, or

to any other place, without the consent of the other; and in case of a disagreement between the two Houses on a question of adjournment, the Governor may adjourn either or both of them.

#### SECTION VIII.

1. The officers of the two Houses, other than the President and Speaker, shall be a Secretary of the Senate and Clerk of the House of Representatives, and such assistants as they may appoint; but the clerical expenses of the Senate shall not exceed sixty dollars per day for each session, nor those of the House of Representatives seventy dollars per day for each session. The Secretary of the Senate and Clerk of the House of Representatives shall be required to give bond and security for the faithful discharge of their respective duties.

#### SECTION IX.

1. The *per diem* of members of the General Assembly shall not exceed four dollars, and mileage shall not exceed ten cents for each mile travelled, by the nearest practicable route, in going to and returning from the capital; but the President of the Senate and the Speaker of the House of Representatives shall each receive not exceeding seven dollars per day.

#### SECTION X.

1. All elections by the General Assembly shall be *viva voce*, and the vote shall appear on the journal of the House of Representatives. When the Senate and House of Representatives unite for the purpose of elections, they shall meet in the Representative Hall, and the President of the Senate shall, in such cases, preside and declare the result.

#### SECTION XI.

1. All property of the wife at the time of her marriage, and all property given to, inherited or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

#### SECTION XII.

1. All life insurance companies now doing business in the State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign States, shall show that they have deposited with the Comptroller-General of the State in which they are chartered, or of



this State, the Insurance Commissioners, or such other officers as may be authorized to receive it, not less than one hundred thousand dollars, in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy-holders.

2. When such showing is made to the Comptroller-General of the State of Georgia by a proper certificate from the State official having charge of the funds so deposited, the Comptroller-General of the State of Georgia is authorized to issue to the company making such showing a license to do business in the State, upon paying the fees required by law.

3. All life insurance companies chartered by the State of Georgia, or which may hereafter be chartered by the State, shall, before doing business, deposit with the Comptroller-General of the State of Georgia, or with some strong corporation, which may be approved by said Comptroller-General, one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy-holders of the company making such deposit, all interests and dividends arising from such securities to be paid, when due, to the company so depositing. Any such securities as may be needed or desired by the company may be taken from said department at any time by replacing them with other securities equally acceptable to the Comptroller-General, whose certificate for the same shall be furnished to the company.

4. The General Assembly shall, from time to time, enact laws to compel all fire insurance companies doing business in this State, whether chartered by this State or otherwise, to deposit reasonable securities with the Treasurer of this State, to secure the people against loss by the operations of said companies.

5. The General Assembly shall compel all insurance companies in this State, or doing business therein, under proper penalties, to make semi-annual reports to the Governor, and print the same, at their own expense, for the information and protection of the people.



## ARTICLE IV.

## POWER OF THE GENERAL ASSEMBLY OVER TAXATION.

## SECTION I.

1. The right of taxation is a sovereign right, inalienable, indestructible, is the life of the State, and rightfully belongs to the people in all Republican governments, and neither the General Assembly, nor any, nor all other departments of the Government, established by this Constitution, shall ever have the authority to irrevocably give, grant, limit or restrain this right; and all laws, grants, contracts, and all other acts whatsoever, by said Government, or any department thereof, to effect any of these purposes, shall be, and are hereby declared to be, null and void for every purpose whatever; and said right of taxation shall always be under the complete control of, and revocable by, the State, notwithstanding any gift, grant or contract whatsoever by the General Assembly.

## SECTION II.

1. The power and authority of regulating railroad freights and passenger tariffs, preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws, from time to time, to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of this State, and to prohibit said roads from charging other than just and reasonable rates, and enforce the same by adequate penalties.

2. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals, or the general well-being of the State.

3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of said corporation, except upon the condition that said corporation

shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter, and shall bring the same under the provisions of this Constitution: *Provided*, That this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

4. The General Assembly of this State shall have no power to authorize any corporation to buy shares or stock in any other corporation in this State, or elsewhere, or make any contract, or agreement whatever, with any such corporation, which may have the effect, or be intended to have the effect, to defeat or lessen competition in their respective businesses, or to encourage monopoly; and all such contracts and agreements shall be illegal and void.

5. No railroad company shall give, or pay, any rebate, or *bonus* in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

6. No provision of this article shall be deemed, held or taken to impair the obligation of any contract heretofore made by the State of Georgia.

7. The General Assembly shall enforce the provisions of this article by appropriate legislation.

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## ARTICLE V.

### EXECUTIVE DEPARTMENT.

#### SECTION I.

1. The officers of the Executive Department shall consist of a Governor, Secretary of State, Comptroller-General and Treasurer.

2. The Executive power shall be vested in a Governor, who shall hold his office during the term of two years, and until his successor shall be chosen and qualified. He shall not be eligible to re-election, after the expiration of a second term, for the period of four years. He shall have a salary of three thousand <sup>1</sup>

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<sup>1</sup> Made \$5,000 in 1904.

dollars per annum (until otherwise provided by a law passed by a two-thirds vote of both branches of the General Assembly), which shall not be increased or diminished during the period for which he shall have been elected; nor shall he receive within that time, any other emolument from the United States, or either of them, or from any foreign power. But this reduction of salary shall not apply to the present term of the present Governor.

3. The first election for Governor, under the Constitution, shall be held on the first Wednesday in October, 1880, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place biennially thereafter on said day, until another date be fixed by the General Assembly. Said election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly, and the electors shall be the same.

4. The returns for every election of Governor shall be sealed up by the managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to the Secretary of State, who shall, without opening said returns, cause the same to be laid before the Senate on the day after the two Houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives.

5. The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and Speaker of the House of Representatives shall open and publish the returns in the presenee and under the direction of the General Assembly; and the person having the majority of the whole number of votes shall be declared duly elected Governor of this State; but if no person shall have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed by the General Assembly to elect, the General Assembly shall immediately elect a Governor *viva voce*; and in all cases of election of a Governor by the General Assembly a majority of the members present shall be necessary to a choice.

6. Contested elections shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law.

7. No person shall be eligible to the office of Governor who



shall not have been a citizen of the United States fifteen years, and a citizen of the State six years, and who shall not have attained the age of thirty years.

8. In case of the death, resignation or disability of the Governor, the President of the Senate shall exercise the Executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the Executive powers of the government until the removal of the disability, or the election and qualification of a Governor.

9. The General Assembly shall have power to provide by law for filling unexpired terms by special elections.

10. The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my ability, preserve, protect and defend the Constitution thereof, and the Constitution of the United States of America."

11. The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof.

12. He shall have power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part of a sentence for offences against the State, after conviction, except in cases of treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend the execution of the sentence and report the case to the General Assembly at the next meeting thereof, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant a further reprieve. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, pardon or commutation granted, stating the name of the convict, the offence for which he was convicted, the sentence and its date, the date of the reprieve, pardon or commutation, and the reasons for granting the same. He shall take care that the laws are faithfully executed, and shall be a conservator of the peace throughout the State.

13. He shall issue writs of election to fill all vacancies that may happen in the Senate or House of Representatives, and shall



give the General Assembly, from time to time, information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem necessary or expedient. He shall have power to convoke the General Assembly on extraordinary occasions, but no law shall be enacted at call sessions of the General Assembly except such as shall relate to the object stated in his proclamation convening them.

14. When any office shall become vacant, by death, resignation or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is commissioned, agreeably to the mode pointed out in the Constitution, or by law in pursuance thereof.

15. A person once rejected by the Senate shall not be reappointed by the Governor to the same office during the same sessions or the recess thereafter.

16. The Governor shall have the revision of all bills passed by the General Assembly, before the same shall become laws, but two-thirds of each House may pass a law, notwithstanding his dissent: and if any bill shall not be returned by the Governor within five days (Sundays excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual, unless passed by two-thirds of each House.

17. Every vote, resolution or order, to which the concurrence of both Houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of each House.

18. He may require information, in writing, from the officers in the Executive Department on any subject relating to the duties of their respective offices. It shall be the duty of the Governor, quarterly, and oftener if he deems it expedient, to examine, under oath, the Treasurer and Comptroller-General of the State on all matters pertaining to their respective offices, and to inspect and review their books and accounts. The General Assembly shall have authority to provide by law for the suspension of either of said officers from the discharge of the duties of his office, and

also for the appointment of a suitable person to discharge the duties of the same.

19. The Governor shall have power to appoint his own Secretaries, not exceeding two in number, and to provide such other clerical force as may be required in his office, but the total cost for Secretaries and clerical force in his office shall not exceed six thousand dollars per annum.

## SECTION II.

1. The Secretary of State, Comptroller-General and Treasurer shall be elected by the persons qualified to vote for members of the General Assembly, at the same time and in the same manner as the Governor. The provision of the Constitution as to the transmission of the returns of election, counting the votes, declaring the result, deciding when there is no election, and when there is a contested election, applicable to the election of Governor, shall apply to the election of Secretary of State, Comptroller-General and Treasurer; they shall be commissioned by the Governor and hold their office for the same time as the Governor.

2. The salary of the Treasurer shall not exceed two thousand dollars per annum. The clerical expenses of his department shall not exceed sixteen hundred dollars per annum.

3. The salary of the Secretary of State shall not exceed two thousand dollars per annum, and the clerical expenses of his department shall not exceed one thousand dollars per annum.

4. The salary of the Comptroller-General shall not exceed two thousand dollars per annum. The clerical expenses of his department, including the Insurance Department and Wild Land Clerk, shall not exceed four thousand dollars per annum; and without said clerk, it shall not exceed three thousand dollars per annum.

5. The Treasurer shall not be allowed directly or indirectly to receive any fee, interest or reward from any person, bank or corporation for the deposit or use, in any manner, of the public funds; and the General Assembly shall enforce this provision by suitable penalties.

6. No person shall be eligible to the office of Secretary of State, Comptroller-General or Treasurer, unless he shall have been a citizen of the United States for ten years, and shall have resided in this State for six years next preceding his election, and shall

be twenty-five years of age when elected. All of said officers shall give bond and security, under regulations to be prescribed by law, for the faithful discharge of their duties.

7. The Secretary of State, the Comptroller-General and the Treasurer shall not be allowed any fees, perquisite or compensation other than their salaries, as prescribed by law, except their necessary expenses when absent from the seat of government on business for the State.

### SECTION III.

1. The Great Seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing except by order of the Governor, or General Assembly, and that now in use shall be the Great Seal of the State until otherwise provided by law.

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## ARTICLE VI.

### JUDICIARY.

#### SECTION I.

1. (As amended 1906.) The judicial powers of this State shall be vested in a Supreme Court, a Court of Appeals, Superior Courts, Courts of Ordinary, Justices of the Peace, commissioned Notaries Public, and such other Courts, as have been or may be established by law.

#### SECTION II.

1. The Supreme Court shall consist of a Chief Justice and [two Associate Justices. A majority of the Court shall constitute a quorum. (Repealed by par. 8.)]

2. When one or more of the Judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate a Judge or Judges of the Superior Courts to preside in said case.

3. No Judge of any Court shall preside in any case where the validity of any bond—Federal, State, corporation or municipal—is involved, who holds in his own right, or as the representative of others, any material interests in the class of bonds upon which the question to be decided arises.

4. The Chief Justice and Associate Justices shall hold their



offices for six years, and until their successors are qualified. A successor to the incumbent whose term will soonest expire shall be elected by the General Assembly in 1880; a successor to the incumbent whose term of office is next in duration shall be elected by the General Assembly in 1882; and a successor to the third incumbent shall be elected by the General Assembly in 1884; but appointments to fill vacancies shall only be for the unexpired term, or until such vacancies are filled by elections, agreeably to the mode pointed out by this Constitution.

5. (As amended 1906.) The Supreme Court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors in law and equity from the Superior Courts in all civil cases, whether legal or equitable, originating therein, or carried thereto from the court of ordinary, and in all cases of conviction of a capital felony, and for the determination of questions certified to it by the Court of Appeals; and shall sit at the seat of government, at such times in each year as are or may be prescribed by law, for the trial and determination of writs of error from said Superior Courts, and of questions certified to it as aforesaid. Any case carried to the Supreme Court which is of the class of which the Court of Appeals has jurisdiction, may be transferred to the Court of Appeals, under such rules as the Supreme Court may prescribe, until otherwise provided by law; and the Court of Appeals shall try the cases so transferred.

6. The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by Providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.

7. In any case the Court may, in its discretion, withhold its judgment until the next term after the same is argued.

8. (Amendment of 1896). The Supreme Court shall hereafter consist of a Chief Justice and five Associate Justices. The court shall have power to hear and determine cases when sitting, either in a body or in two divisions of three judges each, under such regulations as may be prescribed by the General Assembly. A majority of either division shall constitute a quorum for that division. The Chief Justice and Associate Justices shall hereafter be elected by the people at the same time and in the same manner as the Governor and the State house officers are elected,



except that the first election under this amendment shall be held on the third Wednesday in December, 1896, at which time one Associate Justice shall be elected for a full term of six years, to fill the vacancy occurring on January first, 1897, by the expiration of the term of one of the present incumbents, and three additional Associate Justices shall be elected for terms expiring, respectively, January 1st, 1899, January 1st, 1901, and January 1st, 1903. The persons elected as additional Associate Justices shall, among themselves, determine by lot which of the three last mentioned terms each shall have, and they shall be commissioned accordingly. After said first election, all terms (except unexpired terms) shall be for six years each. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold his office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of said special election shall be made to the Secretary of State.

9. (Amendment of 1906.) The Court of Appeals shall, until otherwise provided by law, consist of three judges, of whom two shall constitute a quorum. It shall sit at the seat of government and at such other places as may be prescribed by law. The Governor shall, immediately on the ratification of this amendment, call an election, to be held on Tuesday after the first Monday in November, 1906, at which the judges of the Court of Appeals shall be elected in the manner in which Justices of the Supreme Court are elected. The returns of said election shall be made to the Secretary of State, and the Secretary of State shall canvass the returns and declare the three persons receiving the greatest number of votes to be elected. The terms of office of the judges then elected shall begin on the first day of January, 1907, and shall continue respectively two, four and six years and until their successors are qualified. The times and manner of all other elections, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by laws relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall have jurisdiction for the trial and correction of errors in law and equity from the superior courts in all cases in which such jurisdiction is not conferred by this constitution on the Supreme Court, and from the city courts of Atlanta and

Savannah, and such other like courts as have been or may be hereafter established in other cities, and in such other cases as may hereafter be prescribed by law, except that where, in a case pending in the Court of Appeals, a question is raised as to the construction of a provision of the Constitution of this State or of the United States, or as to the constitutionality of an Act of the General Assembly of this State, and a decision of the question is necessary to the determination of the case, the Court of Appeals shall so certify to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of an equal division of opinion among the Justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The Court of Appeals may at any time certify to the Supreme Court any other question of law concerning which it desires the instruction of the Supreme Court for a proper decision, and thereupon the Supreme Court shall give its instruction on the question certified to it, which shall be binding on the Court of Appeals in such case. The manner of certifying questions to the Supreme Court by the Court of Appeals, and the subsequent proceedings in regard to the same in the Supreme Court, shall be as the Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below, in cases pending in the Court of Appeals, shall result from delay in disposing of questions certified by the Court of Appeals to the Supreme Court. All writs of error in the Court of Appeals when received by its clerk during a term of court and before the docket of the term is by order of the court closed, shall be entered thereon, and when received at any other time shall be entered on the docket of the next term, and they shall stand for hearing at the term for which they are so entered, under such rules as the court may prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be the reporter of the Court of Appeals, until otherwise provided by law. The first term of the Court of Appeals shall be held on the first Monday in January, 1907. The laws relating to the Supreme Court, as to qualifica-

tions and salaries of the judges, the designation of other judges to preside when members of the court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the court, the powers, practice, procedure, times of sitting and costs of the court, the publication of reports of cases decided therein, and in all other respects, except as otherwise provided by this Constitution, and until otherwise provided by law, shall apply to the Court of Appeals, so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents.

### SECTION III.

1. There shall be a judge of the Superior Court for each Judicial Circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law. (Amendment of 1906.) The Legislature shall have authority to add one or more additional judges of the Superior Court for any Judicial Circuit of this State, and shall have authority to regulate the manner in which the judges of such circuits shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin, and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit, or to reduce the number of judges in any Judicial Circuit; provided, that at all times there shall be at least one judge in every Judicial Circuit of this State.

2. (Amendment of 1898.) The successors to the present and subsequent incumbents shall be elected by the electors, entitled to vote for members of the General Assembly of the whole State, at the general election held for such members, next preceding the expiration of their respective terms; provided that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years.

3. (Amendment of 1898.) The terms of the judges to be elected under the Constitution (except to fill vacancies) shall begin on the first day of January after their election. Every vacancy occasioned by death or other causes shall be filled by appointment of the Governor until the first day of January after the general election held next after the expiration of thirty



days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

SECTION IV.

1. The Superior Courts shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary; in cases respecting titles to land, and equity cases.

2. The General Assembly may confer upon the Courts of common law all the powers heretofore exercised by Courts of Equity in this State.

3. Said Courts shall have jurisdiction in all civil cases, except as hereinafter provided.

4. They shall have appellate jurisdiction in all such cases as may be provided by law.

5. They shall have power to correct errors in inferior judicatories by writ of *certiorari*, which shall only issue on the sanction of the Judge; and said Courts and the Judges thereof shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are or may be conferred on them by law.

6. The General Assembly may provide for an appeal from one jury, in the Superior and City Courts to another, and the said Court may grant new trials on legal grounds.

7. The Court shall render judgment without the verdict of a jury in all civil cases founded on unconditional contracts in writing, where an issuable defence is not filed under oath or affirmation.

8. The Superior Courts shall sit in each county not less than twice in each year, at such times as have been or may be appointed by law.

9. The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding Judge is, from any cause, disqualified.

SECTION V.

1. In any county within which there is, or hereafter may be, a City Court, the Judge of said Court, and of the Superior Court, may preside in the Courts of each other in cases where the Judge of either Court is disqualified to preside.



## SECTION VI.

1. The powers of a Court of Ordinary, and of Probate, shall be vested in an Ordinary for each county, from whose decision there may be an appeal (or, by consent of parties, without a decision) to the Superior Court, under regulations prescribed by law.

2. The Courts of Ordinary shall have such powers in relation to roads, bridges, ferries, public bildings, paupers, county officers, county funds, county taxes, and other county matters as may be conferred on them by law.

3. The Ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

## SECTION VII.

1. There shall be in each militia district one Justice of the Peace, whose official term, except when elected to fill an unexpired term, shall be four years.

2. Justices of the peace shall have jurisdiction in all civil cases, arising *ex contractu*, and in cases of injury or damage to personal property, when the principal sum does not exceed one hundred dollars, and shall sit monthly at fixed times and places; but in all cases there may be an appeal to a jury in said Court, or an appeal to the Superior Court, under such regulations as may be prescribed by law.

3. Justices of the Peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

## SECTION VIII.

1. Commissioned Notaries Public, not to exceed one for each militia district, may be appointed by the Judges of the Superior Courts, in their respective circuits, upon recommendation of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years, and shall be *ex officio* Justices of the Peace, and shall be removable on conviction for malpractice in office.

## SECTION IX.

1. The jurisdiction, powers, proceedings and practice of all Courts or officers invested with judicial powers (except City Courts), -of the same grade or class, so far as regulated by law,

and the force and effect of the process, judgment and decree, by such Courts, severally, shall be uniform. This uniformity must be established by the General Assembly.

SECTION X.

1. There shall be an Attorney-General of this State, who shall be elected by the people at the same time, for the same term and in the same manner as the Governor.

2. It shall be the duty of the Attorney-General to act as the legal adviser of the Executive Department, to represent the State in the Supreme Court in all capital felonies; and in all civil and criminal cases in any Court when required by the Governor, and to perform such other services as shall be required of him by law.

SECTION XI.

1. (Amendment of 1898.) There shall be a Solicitor-General for each Judicial Circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the whole State, qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation or other cause, shall be filled by appointment of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected; provided, that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years.

2. It shall be the duty of the Solicitor-General to represent the State in all cases in the Superior Courts of his circuit, and in all cases taken up from his circuit to the Supreme Court, and to perform such other services as shall be required of him by law.

SECTION XII.

[1. The Judges of the Supreme and Superior Courts and Solicitors-General shall be elected by the General Assembly, in joint session, on such day or days as shall be fixed by joint resolution of both Houses. At the session of the General As-

sembly which is held next before the expiration of the terms of the present incumbents, as provided in this Constitution, their successors shall be chosen; and the same shall apply to the election of those who shall succeed them. Vacancies occasioned by death, resignation or other cause shall be filled by appointment of the Governor, until the General Assembly shall convene, when an election shall be held to fill the unexpired portion of the vacant terms.]

(This section was virtually repealed by the amendments in Art. VI., Sect. III., par. 2; Sect. II., par. 8.

### SECTION XIII.

1. The Judges of the Supreme Court shall have, out of the Treasury of the State, salaries not to exceed three thousand dollars<sup>1</sup> per annum; the Judges of the Superior Courts shall have salaries not to exceed two thousand dollars<sup>2</sup> per annum; the Attorney-General shall have a salary not to exceed two thousand dollars<sup>3</sup> per annum; and the Solicitors-General shall each have salaries not to exceed two hundred and fifty dollars per annum; but the Attorney-General shall not have any fee or perquisite in any cases arising after the adoption of this Constitution; but the provisions of this section shall not affect the salaries of those now in office.

2. The General Assembly may at any time, by a two-thirds vote of each branch, prescribe other and different salaries for any or all of the above officers, but no such change shall affect the officers then in commission.

### SECTION XIV.

1. No person shall be Judge of the Supreme or Superior Courts or Attorney-General, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years; and no person shall be hereafter elected Solicitor-General, unless, at the time of his election, he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

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<sup>1</sup> Made \$4,000 in 1904.

<sup>2</sup> Made \$3,000 in 1904.

<sup>3</sup> Made \$3,000 in 1905.

SECTION XV.

1. No total divorce shall be granted, except on the concurrent verdicts of two juries at different terms of the Court.

2. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.

SECTION XVI.

1. Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides.

2. Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the Superior Court of either county shall have jurisdiction.

3. Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

4. Suits against joint obligors, joint promissors, co-partners or joint trespassers, residing in different counties may be tried in either county.

5. Suits against the maker and indorser of promissory notes, or drawer, acceptor and indorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

6. All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the Superior Courts where the judge is satisfied that an impartial jury cannot be obtained in such county.

SECTION XVII.

1. The power to change the venue in civil and criminal cases shall be vested in the Superior Courts, to be exercised in such manner as has been, or shall be, provided by law.

SECTION XVIII.

1. The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less than five, to constitute a trial or traverse jury in Courts other than the Superior and City Courts.



2. The General Assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors.

3. It shall be the duty of the General Assembly, by general laws, to prescribe the manner of fixing compensation of jurors in all counties in this State.

#### SECTION XIX.

1. The General Assembly shall have power to provide for the creation of County Commissioners in such counties as may require them, and to define their duties.

#### SECTION XX.

1. All Courts not specially mentioned by name in the first section of this article may be abolished in any county, at the discretion of the General Assembly.

#### SECTION XXI.

1. The costs in the Supreme Court shall not exceed ten dollars, unless otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said Court when the usual pauper oath is filed in the Court below.

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### ARTICLE VII.

#### FINANCE, TAXATION AND PUBLIC DEBT.

##### SECTION I.

1. The powers of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

For the support of the State Government and the public institutions.

For educational purposes, in instructing children in the elementary branches of an English education only.

To pay the interest on the public debt.

To pay the principal of the public debt.

To suppress insurrection, to repel invasion, and defend the State in time of war.

To supply the soldiers who lost a limb, or limbs, in the military service of the Confederate States with substantial artificial limbs during life; and to make suitable provisions for such Confederate soldiers as may have otherwise been disabled or permanently injured in such service, or who by reason of age and poverty, or infirmity and poverty, or blindness and poverty, are unable to provide a living for themselves; and for the widows of such Confederate soldiers as may have died in the service of the Confederate States, or since from wounds received therein, or disease contracted in the service: *Provided*, that the Act shall only apply to such widows as were married at the time of such service and have remained unmarried since the death of such soldier husband.

2. (Amendment of 1904.) The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasion, suppressing insurrection, or defending the State in time of war, shall not exceed five mills on each dollar of the value of the property taxable in the State.

## SECTION II.

1. All taxation shall be uniform upon the same class of subjects, and *ad valorem* on all property subject to be taxed within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may, however, impose a tax upon such domestic animals as, from their nature and habits, are destructive of other property.

2. The General Assembly may, by law, exempt from taxation all public property, places of religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus; and all paintings and statuary of any company or association, kept in a public hall and not held as merchandise, or for purposes of sale or gain: *Provided*, the property so exempted be not used for purposes of private or corporate profit or income.

3. No poll tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually upon each poll.

4. All laws exempting property from taxation, other than the property herein enumerated, shall be void.

5. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

### SECTION III.

1. No debt shall be contracted by or on behalf of the State, except to supply casual deficiencies of revenue, to repel invasion, suppress insurrection, and defend the State in time of war, or to pay the existing public debt; but the debt created to supply deficiencies in revenue shall not exceed, in the aggregate, two hundred thousand dollars.

### SECTION IV.

1. All laws authorizing the borrowing of money by or on behalf of the State shall specify the purposes for which the money is to be used, and the money so obtained shall be used for the purposes specified, and for no other.

### SECTION V.

1. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association, and the State shall not become a joint owner or stockholder in any company, association or corporation.

### SECTION VI.

1. The General Assembly shall not authorize any county, municipal corporation or political division of this State to become a stockholder in any company, corporation or association or to appropriate money for, or to loan its credit to any corporation, company, association, institution or individual, except for purely charitable purposes. This restriction shall not operate to prevent the support of schools by municipal corporations within their respective limits: *Provided*, that if any municipal corporation shall offer to the State any property for locating or building a capitol, and the State accepts such offer, the corporation may comply with such offer.

2. The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes in instructing children in the elementary

branches of an English education only; to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of courts; to support paupers and pay debts heretofore existing.

#### SECTION VII.

1. The debt hereafter incurred by any county, municipal corporation or political division of this State, except as in this Constitution provided for, shall never exceed seven per centum of the assessed value of all the taxable property therein; and no such county, municipality or division shall incur any new debt, except for a temporary loan or loans to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of taxable property therein, without the assent of two-thirds of the qualified voters thereof, at an election for that purpose, to be held as may be prescribed by law; but any city, the debt of which does not exceed seven per centum of the assessed value of the taxable property at the time of the adoption of this Constitution, may be authorized by law to increase, at any time, the amount of said debt, three per centum upon such assessed valuation.

2. Any county, municipal corporation or political division of this State, which shall incur any bonded indebtedness under the provisions of this Constitution, shall, at or before the time for so doing, provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said debt within thirty years from the date of the incurring of said indebtedness.

#### SECTION VIII.

1. The State shall not assume the debt, nor any part thereof, of any county, municipal corporation, or political division of the State, unless such debt shall be contracted to enable the State to repel invasion, suppress insurrection, or defend itself in time of war.

#### SECTION IX.

1. The receiving, directly or indirectly, by any officer of the State or county, or member or officer of the General Assembly, of any interests, profits or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State or county purposes, shall be deemed a felony,



and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

#### SECTION X.

1. Municipal corporations shall not incur any debt until provision therefor shall have been made by the municipal government.

#### SECTION XI.

1. The General Assembly shall have no authority to appropriate money, either directly or indirectly, to pay the whole or any part of the principal or interest of the bonds, or other obligations, which have been pronounced illegal, null and void by the General Assembly, and the constitutional amendments ratified by a vote of the people on the first day of May, 1877; nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the late war between the States, nor any of the bonds, notes or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the ratification of a treaty of peace between the United States and the Confederate States; nor shall the General Assembly pass any law, or the Governor, or other State official enter into any contract or agreement, whereby the State shall be made a party to any suit in any Court of this State, or of the United States, instituted to test the validity of any such bonds or obligations.

#### SECTION XII.

1. The bonded debt of the State shall never be increased, except to repel invasion, suppress insurrection, or defend the State in time of war.

#### SECTION XIII.

1. The proceeds of the sale of the Western and Atlantic, Macon and Brunswick, or other railroads, held by the State, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole, or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatever, so long as the State has any existing bonded debt: *Provided*, that the proceeds of the sale of the Western and Atlantic Railroad shall be

applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

SECTION XIV.

1. The General Assembly shall raise, by taxation, each year, in addition to the sum required to pay the public expenses and interest on the public debt, the sum of one hundred thousand dollars, which shall be held as a sinking fund, to pay off and retire the bonds of the State which have not yet matured, and shall be applied to no other purpose whatever. If the bonds cannot at any time be purchased at or below par, then the sinking fund, herein provided for, may be loaned by the Governor and Treasurer of the State: *Provided*, the security which shall be demanded for said loan shall consist only of the valid bonds of the State; but this section shall not take effect until the eight per cent. currency bonds, issued under the Act of February the 19th, 1873, shall have been paid.

SECTION XV.

1. The Comptroller-General and Treasurer shall each make to the Governor a quarterly report of the financial condition of the State, which report shall include a statement of the assets, liabilities and income of the State, and expenditures therefor, for three months preceding; and it shall be the duty of the Governor to carefully examine the same by himself, or through competent persons connected with his department, and cause an abstract thereof to be published for the information of the people, which abstract shall be indorsed by him as having been examined.

SECTION XVI.

1. The General Assembly shall not, by vote, resolution or order, grant any donation, or gratuity, in favor of any person, corporation or association.

2. The General Assembly shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered, or the contract entered into.

SECTION XVII.

1. The office of the State Printer shall cease with the expiration of the term of the present incumbent, and the General Assembly shall provide, by law, for letting the public printing to

the lowest responsible bidder, or bidders, who shall give adequate and satisfactory security for the faithful performance thereof. No member of the General Assembly, or other public officer, shall be interested either directly or indirectly in any such contract.

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## ARTICLE VIII.

### EDUCATION.

#### SECTION I.

1. There shall be a thorough system of common schools for the education of children in the elementary branches of an English education only, as nearly uniform as practicable, the expenses of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races.

#### SECTION II.

1. (As amended 1896.) There shall be a State School Commissioner elected by the people at the same time and manner as the Governor and State house officers are elected, whose term of office shall be two years and until his successor is elected and qualified. His office shall be at the seat of the government, and he shall be paid a salary not to exceed two thousand dollars per annum. The General Assembly may substitute for the State School Commissioner such officer or officers as may be deemed necessary to perfect the system of public education.

#### SECTION III.

1. The poll tax, any educational fund now belong to the State (except the endowment of, and debt due to, the University of Georgia), a special tax on shows and exhibitions, and of the sale of spirituous and malt liquors, which the General Assembly is hereby authorized to assess, and the proceeds of any commutation tax for military service, and all taxes that may be assessed on such domestic animals as, from their nature and habits, are destructive to other property, are hereby set apart and devoted for the support of common schools.

SECTION IV.

1. (As amended 1904.) Authority may be granted to counties, militia districts, school districts, and to municipal corporations upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits, by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county, militia district, school district, or municipal corporation, and approved by a two-thirds majority of persons voting at such election; and the General Assembly may prescribe who shall vote on such questions.

SECTION V.

1. Existing local school systems shall not be affected by this Constitution. Nothing contained in section first of this article shall be construed to deprive schools in this State, not common schools, from participation in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

SECTION VI.

1. The Trustees of the University of Georgia may accept bequests, donations and grants of land, or other property, for the use of said University. In addition to the payment of the annual interest on the debt due by the State to the University, the General Assembly may, from time to time, make such donations thereto as the condition of the treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the treasury will authorize to any college or university (not exceeding one in number) now established or hereafter to be established, in this State for the education of persons of color.

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ARTICLE IX.

HOMESTEAD AND EXEMPTIONS.

SECTION I.

1. There shall be exempt from levy and sale, by virtue of any process whatever under the laws of this State, except as hereinafter excepted, of the property of every head of a family, or



guardian, or trustee of a family of minor children, or every aged or infirm person, or persons having the care and support of dependent females of any age, who is not the head of a family, realty or personality, or both, to the value in the aggregate of sixteen hundred dollars.<sup>1</sup>

#### SECTION II.

1. No Court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, execution or decree against the property set apart for such purpose, including such improvements as may be made thereon from time to time, except for taxes, for the purchase money of the same, for labor done thereon, for material furnished therefor, or for the removal of incumbrances thereon.

#### SECTION III.

1. The debtor shall have power to waive or renounce in writing his right to the benefit of the exemption provided for in this article, except as to wearing apparel, and not exceeding three hundred dollars' worth of household and kitchen furniture, and provisions, to be selected by himself and his wife, if any, and he shall not, after it is set apart, alienate or encumber the property so exempted, but it may be sold by the debtor and his wife, if any, jointly, with the sanction of the Judge of the Superior Court of the county where the debtor resides or the land is situated, the proceeds to be reinvested upon the same uses.

#### SECTION IV.

1. The General Assembly shall provide, by law, as early as practicable, for the setting apart and valuation of said property. But nothing in this article shall be construed to affect or repeal the existing laws for exception of property from sale contained in the present Code of this State, in paragraphs 2040 to 2049 inclusive, and the Act amendatory thereto. It may be optional with the applicant to take either, but not both, of such exemptions.

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<sup>1</sup> The above provision of the Constitution was specially submitted to the people and ratified, as a part thereof, by them, on December 5th, 1887.

SECTION V.

1. The debtor shall have authority to waive or renounce in writing his right to the benefit of the exemption provided for in section four, as is excepted in section three of this article.

SECTION VI.

1. The applicant shall, at any time, have the right to supplement his exemption by adding to an amount already set apart, which is less than the whole amount of exemption herein allowed, a sufficiency to make his exemption equal to the whole amount.

SECTION VII.

1. Homestead and exemptions of personal property which have been heretofore set apart by virtue of the provisions of the existing Constitution of this State, and in accordance with the laws for the enforcement thereof, or which may be hereafter so set apart, at any time, shall be and remain valid as against all debts and liabilities existing at the time of the adoption of this Constitution, to the same extent that they would have been had said existing Constitution not been revised.

SECTION VIII.

1. Rights which have become vested under previously existing laws shall not be affected by anything herein contained. In all cases in which homesteads have been set apart under the Constitution of 1868, and the laws made in pursuance thereof, and a *bona fide* sale of such property has been subsequently made, and the full purchase price thereof paid, all right of exemption in such property by reason of its having been so set apart, shall cease in so far as it affects the right of the purchaser. In all such cases, where a part only of the purchase price has been paid, such transactions shall be governed by the laws now of force in this State, in so far as they affect the rights of the purchaser, as though said property had not been set apart.

SECTION IX.

1. Parties who have taken a homestead of realty under the Constitution of eighteen hundred and sixty-eight shall have the right to sell said homestead and reinvest the same by order of the Judge of the Superior Courts of this State.

## ARTICLE X.

## MILITIA.

## SECTION I.

1. A well-regulated militia being essential to the peace and security of the State, the General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped, and of whom it shall consist.

2. The General Assembly shall have power to authorize the formation of volunteer companies, and to provide for their organization into battalions, regiments, brigades, divisions and corps with such restrictions as may be prescribed by law, and shall have authority to arm and equip the same.

3. The officers and men of the militia and volunteer forces shall not be entitled to receive any pay, rations or emoluments, when not in active service by authority of the State.

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ARTICLE XI.

## COUNTIES AND COUNTY OFFICERS.

## SECTION 1.

1. Each county shall be a body corporate, with such powers and limitations as may be prescribed by law. All suits by or against a county shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided.

2. (Amendment of 1904.) There shall not be more than one hundred and forty-five counties in this State.<sup>1</sup>

3. County lines shall not be changed, unless under the operation of a general law for that purpose.

4. No county site shall be changed or removed, except by a two-thirds vote of the qualified voters of the county, voting at an election held for that purpose, and a two-thirds vote of the General Assembly.

5. Any county may be dissolved and merged with contiguous counties by a two-thirds vote of the qualified electors of such county voting at an election held for that purpose.

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<sup>1</sup> A later Amendment in 1906 created Ben Hill County; making the number of counties 146.

SECTION II.

1. The county officers shall be elected by the qualified voters of their respective counties or districts, and shall hold their offices for two years. They shall be removed on conviction for malpractice in office, and no person shall be eligible to any of the offices referred to in this paragraph unless he shall have been a resident of the county for two years and is a qualified voter.

SECTION III.

1. Whatever tribunal, or officers, may hereafter be created by the General Assembly for the transaction of county matters, shall be uniform throughout the State, and of the same name, jurisdiction and remedies, except that the General Assembly may provide for the appointment of commissioners of roads and revenues in any county.

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ARTICLE XII.

THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE.

SECTION I.

1. The laws of general operation in this State are, first, as the supreme law: The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States.

2. Second. As next in authority thereto: This Constitution.

3. Third. In subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution, and the ordinances of this Convention, shall remain of force until the same are modified or repealed by the General Assembly. The tax acts and appropriation acts passed by the General Assembly of 1877, and approved by the Governor of the State, and not inconsistent with the Constitution, are hereby continued in force until altered by law.

4. Local and private acts passed for the benefit of counties, cities, towns, corporations and private persons, not inconsistent with the supreme law, nor with this Constitution, and which have not expired nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

5. All rights, privileges, and immunities which may have



vested in, or accrued to, any person or persons, or corporations, in his, her or their own right, or in any fiduciary capacity, under and in virtue of any act of the General Assembly, or any judgment, decree or order, or other proceeding of any court of competent jurisdiction in this State heretofore rendered, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

6. All judgments, decrees, orders and other proceedings of the several courts of this State, heretofore made, within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversion by motion for a new trial, appeal, bill of review, or other proceeding, in conformity with the law of force when they were made.

7. The officers of the government now existing shall continue in the exercise of their several functions until their successors are duly elected or appointed and qualified, but nothing herein is to apply to any officer whose office may be abolished by this Constitution.

8. The ordinances of this Convention shall have the force of laws until otherwise provided by the General Assembly, except the ordinances in reference to submitting the homestead and capital questions to a vote of the people, which ordinances, after being voted on, shall have the effect of constitutional provisions.<sup>1</sup>

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## ARTICLE XIII.

### AMENDMENTS TO THE CONSTITUTION.

#### SECTION I.

1. Any amendment, or amendments, to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each of the two Houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon. And the General Assembly shall cause such amendment, or amendments, to be published in one or more newspapers in each Congressional district for two months previous to the time of holding the next general election, and shall also

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<sup>1</sup> Under the ordinance of the Convention submitting the question of the location of the capital to the people, the city of Atlanta was chosen, December 5th, 1877.

provide for a submission of such proposed amendment, or amendments, to the people at said next general election, and if the people shall ratify such amendment, or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment, or amendments, shall become a part of this Constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

2. No convention of the people shall be called by the General Assembly to revise, amend or change this Constitution, unless by the concurrence of two-thirds of all the members of each House of the General Assembly. The representation in said convention shall be based on population as near as practicable.

## SECTION II.

1. The Constitution shall be submitted for ratification or rejection to the voters of the State, at an election to be held on the first Wednesday in December, one thousand eight hundred and seventy-seven, in the several election districts of this State, at which election every person shall be entitled to vote who is entitled to vote for the members of the General Assembly under the constitution and laws of force at the date of such election; said election to be held and conducted as is now provided by law for holding elections for members of the General Assembly. All persons voting at said election in favor of adopting the Constitution shall write or have printed on their ballots the words "*For Ratification*," and all persons opposed to the adoption of this Constitution shall write or have printed on their ballots the words "*Against Ratification*."

2. The votes cast at said election shall be consolidated in each of the counties of the State as is now required by law in elections for members of the General Assembly, and returns thereof made to the Governor; and should a majority of all the votes cast at said election be in favor of ratification, he shall declare the said Constitution adopted, and make proclamation of the result of said election by publication in one or more newspapers in each Congressional district of the State; but should a majority of the votes cast be against ratification, he shall in the same manner proclaim the said Constitution rejected.

## APPENDIX.

### THE CHIEF EXECUTIVE OFFICERS OF GEORGIA SINCE 1732.

#### UNDER THE TRUSTEES.

James Edward Oglethorpe, governor from July 15, 1732, to June 23, 1752, when the charter was surrendered to the Crown.  
William Stephens, president of Council and acting governor in the absence of Oglethorpe, July 11, 1743, to April 8, 1751.  
Henry Parker, president of Council and acting governor, April 8, 1751, to October 1, 1754.

#### ROYAL GOVERNORS.

John Reynolds, October 1, 1754, to Feb. 15, 1757.  
Henry Ellis, Feb. 16, 1757, to Oct. 31, 1760.  
James Wright, Oct. 31, 1760, to July 11, 1782.  
James Habersham, president of Council and acting governor in the absence of Wright, July 2, 1771, to Feb. 11, 1773.

#### THE REVOLUTION.

William Ewen, president of the Council of Safety, June 22, 1775, to Jan. 20, 1776.  
Archibald Bulloch, president of the Provincial Council, Jan. 20, 1776, to Feb. 22, 1777.  
Button Gwinnett, president of Council, Feb. 22, 1777, to May 8, 1777.

#### GOVERNORS OF THE STATE OF GEORGIA.

John Adam Treutlen, May 8, 1777, to Jan. 8, 1778.  
John Houston, Jan. 8, 1778, to Dec. 29, 1778.  
John Wereat, president of Executive Council, Dec. 29, 1778, to Nov. 4, 1779.  
George Walton, governor, Nov., 1799, to Jan. 1, 1780.  
Richard Hawley, governor, Jan. 7, 1780, to Jan. 7, 1781.  
Stephen Heard, president of Executive Council, Jan. 7, 1781, to Aug. 15, 1781.  
Nathan Brawnson, governor, Aug. 16, 1781, to Jan. 8, 1782.

- John Martin, governor, Jan. 8, 1782, to Jan. 9, 1783.  
Lyman Hall, governor, Jan. 9, 1783, to Jan. 9, 1784.  
John Houston, governor, Jan. 9, 1784, to Jan. 14, 1785.  
Samuel Elbert, governor, Jan. 14, 1785, to Jan. 9, 1786.  
Edward Telfair, governor, Jan. 9, 1786, to Jan. 9, 1787.  
George Matthews, governor, Jan. 9, 1787, to Jan. 25, 1788.  
George Handley, governor, Jan. 25, 1788, to Jan. 9, 1789.  
George Walton, governor, Jan. 9, 1789, to Nov. 9, 1790.  
Edward Telfair, governor, Nov. 9, 1790, to Nov. 7, 1793.  
George Matthews, governor, Nov. 7, 1793, to Jan. 15, 1796.  
Jared Irwin, governor, Jan. 17, 1796, to Jan. 11, 1798.  
James Jackson, governor, Jan. 12, 1798, to Mar. 3, 1801.  
David Emanuel, acting governor, Mar. 3, 1801, to Nov. 7, 1801.  
Josiah Tatnall, governor, Nov. 7, 1801, to Nov. 4, 1802.  
John Milledge, governor, Nov. 4, 1802, to Sept. 23, 1806.  
Jared Irwin, governor, Sept. 23, 1806, to Nov. 9, 1809.  
David B. Mitchell, governor, Nov. 9, 1809, to Nov. 1, 1813.  
Peter Early, governor, Nov. 1, 1813, to Nov. 1, 1815.  
David B. Mitchell, governor, Nov. 1, 1815, to Mar. 4, 1817. (Resigned.)  
William Rabun, governor, Mar. 4, 1817, to Oct. 25, 1819. (Died.)  
Matthew Talbot, acting governor, Oct. 25, 1819, to Nov. 13, 1819.  
John Clark, governor, Nov., 1819, to Nov., 1823.  
George M. Troup, governor, Nov., 1823, to Nov., 1827.  
John Forsyth, governor, Nov. 1827, to Nov., 1829.  
George R. Gilmer, governor, Nov., 1829, to Nov., 1831.  
Wilson Lumpkin, governor, Nov., 1831, to Nov., 1835.  
William Schley, governor, Nov., 1835, to Nov., 1837.  
George R. Gilmer, governor, Nov., 1837, to Nov., 1839.  
Charles J. McDonald, governor, Nov., 1839, to Nov., 1843.  
George W. Crawford, governor, Nov., 1843, to Nov., 1847.  
George W. Towns, governor, Nov., 1847, to Nov., 1851.  
Howell Cobb, governor, Nov., 1851, to Nov., 1853.  
Hershell V. Johnson, Nov., 1853, to Nov., 1857.  
Joseph E. Brown, governor, Nov., 1857, to May, 1865.  
James E. Johnson, appointed provisional governor by the President, May, 1865, to Dec. 14, 1865.  
Charles J. Jenkins, Dec. 14, 1865, to March, 1868. (Removed by military authority.)  
Rufus B. Bullock, elected under the Constitution of 1868, July 4, 1868, to Oct. 30, 1871.



Benjamin Conley, acting governor, Oct. 30, 1871, to Jan. 12, 1872.

James M. Smith, governor, Jan. 12, 1872, to Jan. 12, 1877.

Alfred H. Colquitt, governor, Jan. 12, 1877, to Nov. 4, 1882.

Alexander H. Stephens, governor, Nov. 4, 1882, to Mar. 4, 1883.

(Died.)

James S. Boynton, acting governor, Mar. 5, 1883, to May 10, 1883.

Henry D. McDaniel, governor, May 10, 1883, to Oct. 30, 1886.

John B. Gordon, governor, Oct. 30, 1886, to Nov. 10, 1890.

William J. Northen, governor, Nov. 10, 1890, to Oct. 27, 1894.

W. Y. Atkinson, governor, Oct. 27, 1894, to Oct. 27, 1898.

Allen D. Candler, governor, Oct. 27, 1898, to Oct. 25, 1902.

Joseph M. Terrell, governor, Oct. 25, 1902, to June 29, 1907.

Hoke Smith, governor, June 29, 1907, to —.

#### CITIES HAVING A POPULATION OF 1500 OR OVER, CENSUS OF 1900.

City	County.	Pop.	City	County.	Pop.
Albany,	Dougherty	4,606	Griffin,	Spalding	6,857
Americus,	Sumter	7,674	Hartwell,	Hart	1,672
Athens,	Clarke	10,245	Hawkinsville	Pulaski	2,103
Atlanta,	Fulton	89,872	Lagrange,	Troup	4,274
Augusta,	Richmond	39,441	Macon,	Bibb	23,272
Bainbridge,	Decatur	2,641	Madison,	Morgan	1,992
Barnesville,	Pike	3,036	Marietta,	Cobb	4,446
Brunswick,	Glynn	9,081	Milledgeville,	Baldwin	4,219
Carrollton,	Carroll	1,998	Monroe,	Walton	1,846
Cartersville,	Barton	3,135	Moultrie,	Colquitt	2,221
Cedartown,	Polk	2,823	Newnam,	Cometa	3,654
Cochran,	Pulaski	1,531	Quitman,	Brooks	2,281
Columbus,	Muscogee	17,614	Rome,	Floyd	7,291
Conyers,	Rockdale	1,605	Sandersville,	Washington	2,023
Cordele,	Dooly	3,473	Savannah,	Chatham	54,244
Covington,	Newton	2,062	Summerville,	Chattooga	3,245
Cuthbert,	Randolph	2,641	Tallapoosa,	Haralson	2,128
Dalton,	Whitfield	4,315	Thomaston,	Upson	1,714
Darien,	McIntosh	1,739	Thomasville,	Thomas	5,322
Dawson,	Terrell	2,926	Toccoa,	Habersham	2,176
Dublin,	Laurens	2,987	Trion,	Chattooga	1,926
Eatonton,	Putnam	1,823	Valdosta,	Lowndes	5,613
Elberton,	Elbert	3,834	Washington,	Wilkes	3,300
Fitzgerald,	Irwin	1,817	Waycross,	Ware	5,919
Fort Valley,	Houston	2,022	Waynesboro',	Burke	2,030
Gainesville,	Hall	3,202	West Point,	Troup	1,797
Greensboro',	Greene	1,511			

## POPULATION OF THE COUNTIES IN GEORGIA.

NAMES.	LAID OUT.	POPULATION.		
		1900.	1890.	Gain per ct.
Appling .....	1818	12,336	8,676	42.1
Baker .....	1825	6,704	6,144	9.1
Baldwin .....	1803	17,768	14,608	21.6
Banks .....	1858	10,545	8,562	23.1
Bartow .....	1861	20,823	20,616	1.0
Ben Hill .....	1906			
Berrien .....	1856	19,440	10,694	81.7
Bibb .....	1822	50,473	42,370	19.1
Brooks .....	1858	18,606	13,979	33.0
Bryan .....	1793	6,122	5,520	10.9
Bulloch .....	1796	21,377	13,712	55.8
Burke .....	1777	30,165	28,501	5.8
Butts .....	1825	12,805	10,565	21.2
Calhoun .....	1854	9,274	8,438	9.9
Camden .....	1777	7,669	6,178	24.1
Campbell .....	1828	9,518	9,115	4.4
Carroll .....	1826	26,576	22,301	19.1
Catoosa .....	1853	5,823	5,431	7.2
Charlton .....	1854	3,592	3,335	7.7
Chatham .....	1777	71,239	57,740	23.3
Chattahoochee .....	1854	5,790	4,902	18.1
Chattooga .....	1838	12,952	11,202	15.6
Cherokee .....	1832	15,243	15,412	<sup>1</sup> 1.0
Clarke .....	1801	17,708	15,186	16.6
Clay .....	1854	8,568	7,817	9.6
Clayton .....	1858	9,598	8,295	15.7
Clinch .....	1850	8,732	6,652	31.2
Cobb .....	1832	24,664	22,286	10.6
Coffee .....	1854	16,169	10,483	54.2
Colquitt .....	1856	13,636	4,794	184.4
Columbia .....	1790	10,653	11,281	<sup>1</sup> 5.5
Coweta .....	1826	24,980	22,354	11.7
Crawford .....	1822	10,368	9,315	11.3
Crisp .....	1905			
Dade .....	1837	4,578	5,707	<sup>1</sup> 19.7
Dawson .....	1857	5,442	5,612	3.0
Decatur .....	1823	29,454	19,949	47.6
DeKalb .....	1822	21,112	17,189	22.8
Dodge .....	1870	13,975	11,452	22.0
Dooly .....	1821	26,567	18,146	46.4
Dougherty .....	1853	13,679	12,206	12.0
Douglas .....	1870	8,745	7,794	12.2
Early .....	1818	14,828	9,792	51.4
Echols .....	1858	3,209	3,079	4.2
Effingham .....	1777	8,334	5,599	48.8
Elbert .....	1790	19,729	15,376	28.3
Emanuel .....	1812	21,279	14,703	44.7
Fannin .....	1854	11,214	8,724	28.5

<sup>1</sup> Decrease.

POPULATION OF THE COUNTIES (*Continued.*)

NAMES.	LAID OUT.	POPULATION:		
		1900.	1890.	Gain per ct.
Fayette .....	1821	10,114	8,728	15.8
Floyd .....	1832	33,113	28,391	16.6
Forsyth .....	1832	11,550	11,155	3.5
Franklin .....	1786	17,700	14,670	20.6
Fulton .....	1853	117,363	84,655	38.6
Gilmer .....	1832	10,198	9,074	12.3
GlascocK .....	1857	4,516	3,720	21.3
Glynn .....	1777	14,317	13,420	6.6
Gordon .....	1850	14,119	12,758	10.6
Grady .....	1905			
Greene .....	1786	16,542	17,051	12.9
Gwinnett .....	1818	25,585	19,899	28.5
Habersham .....	1818	13,604	11,573	17.5
Hall .....	1818	20,752	18,047	14.9
Hancock .....	1793	18,277	17,149	6.5
Haralson .....	1856	11,922	11,316	5.3
Harris .....	1829	18,009	16,797	7.2
Hart .....	1853	14,492	10,887	33.1
Heard .....	1830	11,177	9,557	16.9
Henry .....	1821	18,602	16,220	14.6
Houston .....	1882	22,641	21,613	4.7
Irwin .....	1718	13,645	6,316	116.0
Jackson .....	1896	24,039	19,176	25.3
Jasper .....	1712	15,033	13,879	8.3
Jeff. Davis .....	1905			
Jefferson .....	1796	18,212	17,213	5.8
Jenkins .....	1905			
Johnson .....	1858	11,409	6,129	86.1
Jones .....	1807	13,358	12,709	5.1
Laurens .....	1807	25,908	13,747	88.4
Lee .....	1726	10,344	9,074	13.9
Liberty .....	1777	13,093	12,887	1.5
Lincoln .....	1896	7,156	6,146	16.4
Lowndes .....	1825	20,036	15,102	32.6
Lumpkin .....	1838	7,433	6,867	8.2
McDuffie .....	1871	9,804	8,789	11.5
McIntosh .....	1793	6,537	6,470	1.0
Macon .....	1837	14,093	13,183	6.9
Madison .....	1811	13,224	11,024	19.9
Marion .....	1827	10,080	7,728	30.4
Meriwether .....	1827	23,339	20,740	12.5
Miller .....	1856	6,319	4,275	47.8
Milton .....	1857	6,763	6,208	8.9
Mitchell .....	1857	14,767	10,906	35.4
Monroe .....	1821	20,682	19,137	8.0
Montgomery .....	1793	16,359	9,248	76.8
Morgan .....	1807	15,813	16,041	11.4
Murray .....	1832	8,623	8,461	1.9
Muscogee .....	1826	29,836	37,761	7.4

1 Decrease.



POPULATION OF THE COUNTIES (*Continued.*)

NAMES.	LAID OUT.	POPULATION.		
		1900.	1890.	Gain per ct.
Newton.....	1821	16,734	14,319	16.9
Oconee.....	1875	8,602	7,713	11.5
Oglethorpe.....	1793	17,881	16,951	5.4
Paulding.....	1832	12,969	11,948	8.5
Pickens.....	1853	8,641	8,182	5.6
Pierce.....	1857	8,100	6,379	26.9
Pike.....	1822	18,761	16,300	15.0
Polk.....	1851	17,856	14,945	19.4
Pulaski.....	1808	18,489	16,559	11.6
Putnam.....	1807	13,436	14,842	19.4
Quitman.....	1858	4,701	4,471	5.1
Rabun.....	1819	6,285	5,606	12.1
Randolph.....	1828	16,847	15,267	10.3
Richmond.....	1777	53,735	45,194	18.8
Rockdale.....	1870	7,515	6,813	10.3
Schley.....	1857	5,499	5,443	1.0
Screven.....	1793	19,252	14,424	33.4
Spalding.....	1851	17,619	13,117	34.3
Stephens.....	1905			
Stewart.....	1830	15,856	15,682	1.1
Sumter.....	1831	26,212	22,107	18.5
Talbot.....	1827	12,197	13,258	18.0
Taliaferro.....	1825	7,912	7,291	8.5
Tattnall.....	1801	20,419	10,253	99.1
Taylor.....	1852	9,846	8,666	13.6
Telfair.....	1807	10,083	5,477	84.0
Terrell.....	1856	19,023	14,513	31.1
Thomas.....	1825	31,076	26,154	18.8
Tift.....	1905			
Toombs.....	1905			
Towns.....	1856	4,748	4,064	16.8
Troup.....	1826	24,002	20,723	15.8
Turner.....	1905			
Twiggs.....	1809	8,716	8,195	6.3
Union.....	1832	8,481	7,747	9.4
Upson.....	1824	13,670	12,188	12.1
Walker.....	1833	15,661	13,282	17.9
Walton.....	1818	20,942	17,467	19.8
Ware.....	1824	13,761	8,811	56.1
Warren.....	1793	11,463	10,957	4.6
Washington.....	1784	28,227	25,237	11.8
Wayne.....	1805	9,449	7,485	26.2
Webster.....	1856	6,618	5,695	16.2
White.....	1857	5,912	6,151	13.8
Whitfield.....	1851	14,509	12,916	12.3
Wilcox.....	1857	11,097	7,980	39.0
Wilkes.....	1777	20,866	18,081	15.4
Wilkinson.....	1803	11,440	10,781	6.1
Worth.....	1853	18,664	10,048	85.7
146 Counties.....		2,216,331	1,837,353	20.6

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